Douglas (A. J. E.), Baron Douglas.
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PROOF

FOR

ARCHIBALD DOUGLAS of Douglas, Esquire, Defender;

In the REDUCTION,

The Duke of HAMILTON, Lord DOUGLAS HAMILTON, and Sir HEW DALRYMPLE, againſt him.

28th JANUARY 1766.

INTRODUCTION

TO THE

SUMMARY

OF THE

PROOF, &c.

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BOOKS

COLLEGE

LOGIC

INTRODUCTION

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FOR

ARCHIBALD DOUGLAS of DOUGLAS, Esq; Defender, and MARGARET Ducheſs of DOUGLAS, CHARLES Duke of QUEENSBERRY and DOVER, and ALLAN WHITEFORD of BALLOCHMYLE, Esq; his Curators.

LADY Jane Douglas, ſiſter and preſumptive heireſs of the late Duke of Douglas, was married, in Auguſt 1746, to John Stuart, Esq; afterwards Sir John Stuart of Grandtully; and, on the 10th of July 1748, was delivered at Paris of the defender, and his twin-brother Sholto, now deceaſed.

Upon the death of the Duke of Douglas in July 1761, without heirs of his body, the defender became intitled to his ſucceſſion; and he was ſerved heir to his deceaſed uncle, upon a proof of his birth and propinquity, by an inqueſt of fifteen men, according to the forms of the law of Scotland. In this ſervice, the tutors and friends of the defender, as he had been born in a foreign country, and certain injurious attempts had been made to throw ſuſpicion on his birth, thought it proper to enter into a more full and particular proof, than is uſual on ſuch occaſions. The Duke of Hamilton and the Earl of Selkirk, who had formed pretenſions to the Duke of Douglas's ſucceſſion, as deſcended of his family by the male line, appeared by their counſel, and croſs-examined the witneſſes. The proof, however, was

ſatisfying;

ſatisfying; the jury were unanimous, and Mr Douglas was admitted to poſſeſſion of the family eſtate.

Actions were ſoon after brought, at the inſtance of the Duke of Hamilton and the Earl of Selkirk, before the Court of Seſſion, for declaring their right to certain parts of the eſtate, upon very ancient deeds of ſettlement, which they endeavoured to interpret in favour of their reſpective claims: But, upon the 9th December 1762, it was determined by the court, that the Duke of Hamilton had *no claim* upon any of the deeds founded on by him, and Mr Douglas was preferred to both the noble claimants, as well upon the conſtruction of the more ancient ſettlements, as upon the later deeds executed by the Duke.

In July 1762, while this competition was depending, one of the tutors of the Duke of Hamilton, and agent of the family, went to France, with an intention, as now appears, of making further inquiry into the defender's birth, which had already been eſtabliſhed by proof acquieſced in at the time even by the tutors and agents of the family of Hamilton. In this ſecret inveſtigation the gentleman was employed for many months, without the leaſt notice of any kind given to Mr Douglas's friends; till, in the month of December 1762, it was ſuddenly given out and aſſerted, that clear and undoubted evidence had been diſcovered, of an impoſture, and that the defender was not the real offspring of Lady Jane Douglas. In conſequence of this aſſertion, actions were immediately inſtituted by the tutors of the Duke of Hamilton and Lord Douglas Hamilton, for voiding Mr Douglas's ſervice, as having proceeded on falſe evidence, and for having it found and declared, that he was not the ſon of Lady Jane Douglas. The like action was brought at the inſtance of Sir Hew Dalrymple, Baronet, pretending to be one of the heirs of line of the Duke of Douglas, intitled to the ſucceſſion on failure of the defender. At the ſame time Mr Douglas, that he might not thereafter be diſquieted with proceſſes of that nature, was adviſed to bring a counter-action of declarator againſt the whole pretended heirs of line, and others claiming right to the ſucceſſion of the Duke of Douglas; and theſe different actions were conjoined.

No ſooner was this challenge brought before the Court of Seſſion in Scotland, the only court in which the queſtion could be competently tried, than the tutors of the Duke of Hamilton, in conjunction with Sir Hew Dalrymple, were pleaſed to take a moſt unprecedented and ſingular ſtep, and which was intended to lay the defender under very particular diſadvantages in France. This was no other than raiſing a criminal ſuit, before the Tournelle Criminelle of the

parliament

parliament of Paris, againſt Sir John Stuart, the defender's father, then in life, and Mrs Helen Hewit, who was ſuppoſed to be an accomplice in the impoſture; and this criminal proceſs was even carried ſome length, and a variety of witneſſes ſecretly examined upon oath, and *ex parte*, according to the forms of that court, before it was diſcovered by thoſe acting for the defender that any ſuch meaſure had been taken.——The conſequence of this proceeding was, not only moſt unduly to precognoſce and influence witneſſes by an *ex parte* and ſecret examination upon oath, after reading over to them a partial and unfair detail of the facts, contained in certain *Plaintes* given in to the Tournelle, but to occaſion numberleſs difficulties and delays in carrying on the proof in France, under the authority of the Court of Seſſion, while a criminal ſuit was depending, on the ſame facts, and proofs and inquiries going on before one of the ſupreme courts of France.

The publication of a *Monitoire*, in ſummer 1763, and diſperſing it through all France, was no leſs injurious. This *Monitoire* was conceived in a moſt unuſual ſtyle, and was intended to give the purſuers a double advantage. It contained a full narration of all the facts advanced by them for eſtabliſhing their own ſyſtem, with deſcriptions of Sir John, Lady Jane, and Mrs Hewit, and treating the impoſture as already proved, or a thing of which there could be no doubt: it was publiſhed by the Archbiſhop of Paris, and all perſons were enjoined, under pain of excommunication, to reveal to the pariſh curées whatever they knew concerning the facts therein contained, or the taking away of children at the times therein mentioned; ſuch revelations to be ſealed up and tranſmitted to the criminal court or Procureur-general. By this artifice the minds of men were prepoſſeſſed againſt the defender, and witneſſes diſpoſed to make circumſtances agree with thoſe which they had read in the *Monitoire*. The purſuers too, it is believed, had opportunities of being informed of what the revelations contained, and of uſing what they thought might make for their purpoſe; whereas, to this day, the defender is ignorant, and muſt in all probability remain in perpetual uncertainty, whether they do not contain many circumſtances and facts, which would at once overthrow the whole fabric, endeavoured, with ſo much induſtry, to be reared up againſt him.

Neither have the purſuers, even in their proceedings before the courts of their own country, been always attentive to the eſtabliſhed and regular forms. The application made by them, in conſequence of which the defender's father, Sir John Stuart, was examined for three days together, in the way of judicial declaration, or precognition,

at a time when no condeſcendence or *Particular* of facts was given in to court, and when it was impoſſible for the defender's counſel to croſs-interrogate him; and their afterwards endeavouring to make this declaration a part of the proof, without ſaying that they would hold it as evidence *againſt* them as well as for them, will ſufficiently juſtify the defender in making this obſervation.

At laſt, however, a condeſcendence of facts was given in by them, conſiſting of no leſs than ſixty-one articles, which they offered to prove, for eſtabliſhing the impoſture.—The Tournelle proceedings were alſo quaſhed, as far as was poſſible; and a proof of all facts and circumſtances which either party might think material having been allowed, and commiſſions granted for taking that proof in Britain, France, and other countries, under the authority of the Court of Seſſion, the ſame has now been reported, and, by order of the Court, the parties have printed and publiſhed the proofs by them ſeverally adduced.

Theſe proofs are partly parole, and partly conſiſting of a very ample production of letters, and other written exhibitions. The queſtion itſelf is, in its nature and circumſtances, perhaps one of the moſt intereſting and important that has at any time been tried in any civil court; and from thence it has probably ariſen, that the gentlemen who acted for the parties in collecting this proof have been led, by their over anxiety and zeal, to multiply and ſwell it to a ſize hitherto unknown in judicial proceedings.

Upon this proof it is to be tried, whether the defender has been rightly ſerved heir to the Duke of Douglas, as the ſon of Lady Jane Douglas and Sir John Stuart; or if he is the ſon of a French mechanic, picked up by hazard on the ſtreets of Paris. The aim of the purſuers, who have volunteered in this matter, without any reaſonable proſpect of advantage to themſelves, is to diſpoſſeſs him of an opulent fortune, an illuſtrious birthright and name; to deprive him of the invaluable privileges of a ſubject of Britain, and to reduce him to the ſtate of a beggar, a foundling, an alien. The defender, on the other hand, deſires to maintain that right which has already been eſtabliſhed in him, and which he poſſeſſes by the ſolemn and conſtant aſſeveration of his parents; by the acknowledgment of his noble predeceſſor the Duke of Douglas; by the verdict of a reſpectable jury, proceeding on evidence led in their preſence; and he hopes he may add, by the acquieſcence and good wiſhes of every impartial, diſintereſted man.

In theſe circumſtances the defender is confident, that aſſertions without proof, or even conjectures and diſtant preſumptions, ſeemingly founded on evidence, but which ariſe only from the weakneſs of human memory, and the difficulty of explaining every occurrence and tranſaction,

tranſaction, at the diſtance of ſeventeen years, will have no weight with judges, or even with others who ſhall candidly examine this proof.

It will occur to every impartial man, that in the ordinary courſe of affairs, it ſcarcely ever happens that a perſon's birth can be aſcertained by uncontrovertible evidence, or indeed by any evidence at all after the death of the mother: witneſſes are ſeldom called to be preſent at the birth of a child on purpoſe to give evidence of it; and of all the occurrences in life, there is hardly any that is leſs capable of diſtinct and poſitive proof, at any after period of time; for which reaſon it is, that in all ages, and in all countries, it has been held as a ſufficient proof of any perſon's *ſtate*, that he has been acknowledged and treated by his reputed father and mother as their child; and in ſome countries the entry of a perſon's name in the baptiſmal record, as the child of certain parents therein mentioned, is irrefragable evidence of the fact, againſt which no contrary proof will be allowed. In the preſent caſe, though the defender has every circumſtance of that kind in his favour, in the ſtrongeſt degree poſſible, he has no occaſion to betake himſelf ſingly to legal preſumptions; as he apprehends that taking the proof now brought, along with what was formerly adduced in the ſervice, there will appear a weight of evidence in ſupport of his birth, altogether unuſual, and which could not reaſonably have been expected in the diſadvantageous circumſtances under which he laboured: and it is truly ſurpriſing, that, notwithſtanding the unwearied labours of thoſe who were for four years together employed in collecting evidence againſt him, aſſiſted by the Parliament of Paris, the Police, and the Clergy of France, he has been able to refute or explain every circumſtance of the leaſt moment which they have attempted to bring in evidence.——Some particulars there may be, which at ſo great a diſtance of time, and in a foreign country, neither party could fully inveſtigate: but it can never be uſed as an argument againſt him, or make the leaſt unfavourable impreſſion, that the memory of witneſſes cannot ſerve them at the diſtance of ſeventeen years, to explain every ſeeming contrariety, or that ſome perſons are dead, and others not to be found, who could have given a more exact and particular relation of circumſtances.

It is believed the purſuers themſelves will not *now* pretend to have any direct or ſatisfying evidence of an impoſture.------A proof, by circumſtances tending to create ſuſpicions and doubts, is all they will probably lay claim to.------At firſt it was given out, that they were in poſſeſſion of proofs clearer than the ſun at noon-day, and that they had traced the impoſture to its ſource:---lately they ſeemed to admit, that the caſe was intricate and *dark*:—And the defender thinks he may now appeal to their own printed volume, compared with

with, and explained by the proof on the other ſide, that after all their induſtry and art, they have produced nothing which deſerves the name of a proof, *direct* or *circumſtantial*.——A great variety of circumſtances have indeed been attempted to be brought in evidence; but the application of them to the defender, or their connection with this cauſe, is, for the moſt part, not diſcernible.——A proof by circumſtances may ſometimes amount to legal conviction; but it is a ſpecies of proof extremely dangerous, and only to be admitted with the greateſt caution, eſpecially when brought at any diſtance of time from the tranſaction to be proved.——Evidence of this kind ought to be ſuch, as to exclude all poſſibility of the fact being otherwiſe: and if this is the rule in ordinary caſes, how much more ought it to take place, where the tendency of the proof is to defeat another proof already brought, and in a queſtion of ſuch infinite conſequence as the preſent, where the *ſtate*, and in a manner, the *exiſtence* of a man is at ſtake, and where the purſuers cannot prevail without ſuppoſing a variety of perſons whoſe characters are hitherto entire, to have been guilty of the moſt infamous and deteſtable crimes?

Nothing could be figured more dangerous to ſociety, nothing more deſtructive of the peace of families, and nothing more adverſe to every idea of juſtice and principle of law, than if a negative conjectural evidence by preſumptions and equivocal circumſtances were admitted as ſufficient to overthrow a birth already eſtabliſhed by every legal preſumption and proof. A proof clear as the light of day muſt in ſuch caſes appear; a proof of that kind was offered by the purſuers, and the court is now to judge how far they have made good their aſſertion.

But as the Intention of this introduction is not to make obſervations on the proof, which will, no doubt, be done at great length in pleadings and memorials for the parties, the defender ſhall now proceed to explain the nature of the Summary or Table hereto ſubjoined.

In conducting this proof on the part of the defender, two things were in view; 1*mo*, To bring ſuch evidence, either written or parole, as could, at this diſtance of time, be recovered, in ſupport of the ſervice, and for further eſtabliſhing the truth of Lady Jane's pregnancy and delivery, and other circumſtances therewith connected. 2*do*, As, in the courſe of the proceſs, the purſuers had, at different times, condeſcended on and endeavoured to prove a variety of circumſtances, with a view to eſtabliſh their ſyſtem, and which might have made impreſſions if they had not been explained or refuted by contrary proof, it became neceſſary for the defender, in replication to the purſuers, to enter into a great deal of proof, which otherwiſe would have been totally ſuperfluous.

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His proof therefore falls naturally to be arranged under two great heads, correſponding to the diſtinction above laid down: and that the Court may have a diſtinct view of both, the annexed Summary is divided in the ſame manner. The firſt part refers to thoſe particulars of the evidence, whereby the defender means to ſupport his ſervice, whether ſtanding in his own or in the purſuer's proof, including alſo the ſervice itſelf.——The ſecond, after laying down the ſeveral propoſitions or facts aſſerted on the part of the purſuers, ſo far as the defender has been able to collect them, ſubjoins an anſwer to each, ariſing either from proof, facts admitted, or obſervations neceſſarily connected with the proof.

In the *firſt* part of the Summary he has endeavoured to exhauſt the poſitive evidence in ſupport of his birth, which is ſtated under twenty-three different Heads, according to the order of time in which the ſeveral occurrences happened: but from the extraordinary bulk of the proof, and the little time he has had to perform this taſk, it is poſſible there may be ſundry omiſſions.

In the *ſecond* part there muſt, from the nature of the thing, be a number of omiſſions. The defender has not yet had an opportunity of ſeeing the Table or Summary intended to be given in for the purſuers; and it is probable that many circumſtances have eſcaped him, which they propoſe to urge, and lay weight on.—Theſe he could not anſwer, becauſe they were unknown, or at leaſt did not occur to him at the time; but any defects of this kind he will be allowed to ſupply in his pleadings, or writings to be hereafter given in.—The original condeſcendence offered for the purſuers, on which the proof in this cauſe was allowed, is what he had chiefly under view in this part of his plan, along with which he has alſo ſtated and given an anſwer to any facts appearing from additional condeſcendences, and likewiſe to ſuch of the heads prefixed to different parts of their printed proof, as ſeemed material to be obſerved.

And here the defender cannot help taking notice of the impropriety of ſome of thoſe heads which the purſuers have been pleaſed to interſperſe in their proof.——When the court gave an order for printing theſe proofs, it was underſtood that they were to be printed and publiſhed as they ſtood in the record of Court, without addition or diminution, and without being interlarded with the obſervations or aſſertions of parties.—The printed copies were to go out into the world as a fair tranſcript of the proofs themſelves; and nothing could be more indecent or improper, than for either party to take the liberty of throwing in aſſertions or heads, which, as they ſtand

 intermixed

intermixed with the proof, have the appearance of being propoſitions or axioms laid down by the Court, or clearly aſcertained and eſtabliſhed by the admiſſion of parties.——The court certainly did not mean that any ſuch liberties were to be taken; and the impropriety was the greater, as the purſuers muſt have ſeen, that ſome of their heads were contradicted by thoſe very parts of the proof to which they were affixed.

For example, the very firſt head of their proof relates to a note wrote by Sir John Stuart, and given to Mrs Napier, "*aſcertaining* "Michelle's houſe to be the place where Lady Jane was ſuppoſed to "be delivered."---The defender denies that Michelle's houſe was ever *aſcertained* to be the place of Lady Jane's delivery.——The utmoſt that can be ſaid to be aſcertained by the note in queſtion is, that Sir John wrote down ſome names upon a piece of paper, at Mrs Napier's deſire, among which was Michelle's; but if Sir John, from inattention or forgetfulneſs, meant then to ſay, that Michelle's was the place of delivery (which is not clear from the note itſelf,) he ſoon corrected his miſtake, as appears from the proof which the purſuers themſelves have brought in, immediately after the note.

P. 52. Their *third* head is in theſe words; "Of Lady Jane and Sir John's "*obſcurity* in Paris."——The meaning of this paſſage is extremely *obſcure*; but if it be intended to convey an idea, as if Lady Jane and Sir John had hid or diſguiſed themſelves, or had been obſerved to behave in a ſuſpicious manner while at Paris, the defender muſt take the liberty of ſaying, that no ſuch thing is vouched by the evidence.

P. 171. Another head mentions Paris, as "*now* alledged to have been the "place of delivery:" and a ſubſequent article ſays, that le Brun's
P. 178. houſe "is *now* given out as the houſe in which Lady Jane was de-"livered."——From the word *now*, in theſe heads, one would be apt to imagine, that Lady Jane and Sir John Stewart had all along fixed upon ſome other city than Paris, and ſome other houſe than le Brun's, as the place of delivery; and that le Brun's in the Fauxbourg St Germain at Paris, was only a late contrivance, ſince the beginning of this proceſs.——But ſurely this inſinuation was moſt unbecoming, when it is clear from the proof, that both Lady Jane and Sir John, from the beginning, informed their friends that Paris was the place of delivery, and le Brun's the houſe where they lodged. The evidence of this ſhall be ſtated in its proper place in the Summary.

P. 184. Another head begins in this way, "Of Lewis Pierre de la Mart his "birth, *&c.*" The addition of the letter *t*, to the name of la Marre, is intended

intended as an insinuation that he cannot be the same person with the man-midwife of Lady Jane; and indeed the pursuers have once and again given out that the certificate of his admission, in St Colme, bears his name to be Mart, and not Marr. But the contrary of this appears from the certificate itself in process; and it is an incontestible fact, proved both by records and witnesses, that he and all his family were known by the name of Marr, and not Mart.--- It was therefore extremely improper in the pursuers, to make this a head of their proof.

The defender must also complain of a marginal observation which occurs in the proof, with regard to a scroll of a letter in the French language, wrote by Sir John Stewart.---In this scroll the word *votre*, occurs two or three times; and the pursuers have been pleased to observe, wth regard to *one* of those *votre*'s, that a person ignorant of the French language would be apt to read it *ooke*; from which this inference is no doubt intended to be drawn, that the writing from which one of la Marr's letters in the Service containing the word *ooke*, was taken, has been of the hand-writing of Sir John Stewart.---Nothing can be more groundless than this insinuation.---The letter *v*, may indeed be very often mistaken for an *o*, where the character is small, and the opening at the top not very discernible, which is the case in almost every French hand; but, with regard to the *votre*, in Sir John Stuart's scroll, the opening at the head of the *v* may be discerned, and the *tr* are perfectly distinct and plain, so that no person whatever, though ignorant of the French language, can possibly mistake them for *a k*. The *v* may perhaps, upon an overly inspection, be taken for an *o*, but the other letters are quite distinct; and it is remarkable, that, through the whole of the writing, Sir John never misses the stroke through his *t*'s, which must always distinguish them from every other letter; so that this observation made by the pursuers might have been spared, as it has no manner of foundation in fact. Pursuers Proof, p. 75.

The defender will be forgiven for mentioning another particular in the conduct of the pursuers, which, though of no great moment, shows the propensity which some of their advisers have all along had to go out of the common road, and do things not strictly regular.--- It appears, that at different times before concluding the proof, they took it upon them to print and disperse particular parts of it, which they thought might be of most use in making impressions in their favour. Thus the depositions of some witnesses concerning the abstraction of a child from one Sanry, in the year 1749, were published and dispersed in France, and in this country, before almost any other part of the proof was adduced; with what view may be easily conceived.

ceived. And not many months ago, it will be remembered, that a copy of a letter recovered by them, from Lady Jane to her brother the Duke of Douglas, acquainting him for the firſt time of the birth of her children, was printed and diſperſed through the country. This letter, which makes mention of Lady Jane's having been delivered of two boys, was at that time publiſhed with a particular view; and as the perſon who tranſcribed it for the preſs was pleaſed to omit copying the word *two*, becauſe it was a little effaced by a blot of ink which had fallen upon it, the letter was publiſhed in the ſame form, ſignifying, that Lady Jane had been delivered of boys, as if ſhe did not know, or had not then fixed on the number of them; a thing prepoſterous and abſurd, and which was the more indecent, as the word *two* is really ſufficiently diſcernible, though a little defaced. And in the ſubſequent part of the letter ſhe talks of one of the boys being ſtrong, and the other delicate; from which it is plain, that ſhe had ſpecified the number, and left no blank in the letter.

Theſe obſervations were thought neceſſary, and it is hoped will be pardoned, on account of the manner in which the purſuers have iſſued their proof to the world.

SUMMARY.

SUMMARY.

PART I.

N. B. *The Purſuers Proof is pointed out by* P. P. *Defenders Proof by* D. P. *and Service by* Ser.; *the third and fourth Columns point out the Pages and Letters referred to in the* Proof *and* Tranſlation.

I. HEAD. Lady Jane Douglas was, in the month of Auguſt 1746, married to Colonel (afterwards Sir John) Stuart, by the Rev. Mr Keith; the marriage was kept private, and they ſoon after went abroad.

		PROOF.	TRANSLATION.
Certificates by Mr Keith, dated 14th September 1748, and 19th February 1752, - -	D.P.	999. B—D.	
Mr Colvill, - - - - -	P. P.	297. G—L. 298. A.	
Mrs Hewit, - - - - -	Ser.	10. D, E, F.	
Mrs Glas, - - - - -	Ser.	17. G. 18. A.	

II. HEAD. Lady Jane Douglas and her huſband having taken up their reſidence at Aix-la-Chapelle ſometime in 1747, ſhe became pregnant about the month of October that year; but as her marriage was then a ſecret, ſhe was at pains to conceal her pregnancy. It was, however, obſerved, and the progreſs of it marked by a number of perſons who had occaſion to ſee and be in company with Lady Jane at different times, down to her departure from Aix-la-Chapelle in May 1748.

		PROOF.	TRANSLATION.
Notorial declaration in the 1750 by Madam Tewis, now deceaſed,	D.P.	15. F. 16. A—E.	486. A—E.
Madam Scholl at Aix, in whoſe houſe Lady Jane lodged from January to March 1748. -	D.P.	2. C—G. 3. A, B.	471. C, D. 472. A, F.
Madam Gillieſon, in whoſe houſe Lady Jane lodged from March to May 1748, - - -	D.P.	5. D—G. 6. A, B. 7. C.	475, B—G. 477. A.
Madam Marie Terreſe-Tewis -	D.P.	8. G. 9. A—C.	478. E—G. 479. A—C.
Madam de Miſback, Religieuſe,	D.P.	10. G. 11. A—E.	480. E. 481. A—C.
Madam Packeneus, Religieuſe, -	D.P.	13. A—E.	483. A—E.
Madam de Haggens, Abeſſe, -	D.P.	23. B, C.	493. E, F.
Sir George Colquhoun, - -	D.P.	29. D—G. 30. A—D.	
Colonel Douglas, - - -	D.P.	33. E—G. 34. A—D.	
Madam de Negrete, - -	D.P.	35. C—G. 36. A—E.	497. A—G. 498. A—C.
Baron M'Ellicot, - - -	D.P.	349. C—F. 352. A—E.	

		PROOF.	TRANSLATION.
Miſs Primroſe,	D.P.	357. D—G. 358. A—D.	
Mrs Greig,	Ser.	16. C—F.	
Ditto,	P.P.	343. C—F.	
Lady Wigtoun,	Ser.	27. A—D.	
Madam Quibel,	D.P.	19. B—D.	489. D—F.
Mr Tewis,	D.P.	24. D, E.	495. B, C.
Mrs Hepburn of Keith,	Ser.	9. A, B.	
Mr Hepburn of Keith,	Ser.	8. A, B.	

III. HEAD. During her pregnancy, and before leaving Aix-la-Chapelle, Lady Jane cauſed widen her cloaths and ſtays ſundry times.

		PROOF.	TRANSLATION.
Notorial declaration by Madam Tewis, and Marie-Ann Bleyenheuff,	D.P.	16. B. Ditto E. F.	486. B. Ditto E, F.
Mr Buſh-Taylor,	P.P.	149. C. 150. D. 151. C—E.	
Sir George Colquhoun,	D.P.	29. F.	
Colonel Douglas,	D.P.	33. F.	
Madam Gillieſon,	D.P.	5. E.	475. C, D.
Mrs Riccard Hepburn,	D.P.	382. B, C.	

IV. HEAD. In April 1748, Lady Jane Douglas wrote to her brother the Duke of Douglas, informing him of her marriage and pregnancy; at which time ſhe intended to have gone to reſide with her family in Switzerland, on account of the dearneſs of living, and concourſe of people then at Aix-la-Chapelle: but as this was too long a journey to undertake before her delivery, ſhe cauſed apply to the Grand Bailie of the Count de Salm, for the uſe of the caſtle of Bedbour, belonging to the Count, during her inlying. The Bailie did not incline to grant it without writing to the Count, who reſided at Vienna, and, as it was uncertain what might be the Count's anſwer, or if it would arrive in proper time, Lady Jane and her family ſet out on the 22d May for France.

The Duke was informed of the pregnancy.

		PROOF.	TRANSLATION.
Copy letter Lord Crawford to the Duke of Douglas, 20th April 1748,	D.P.	964. B—D.	
Letter ditto to Sir John,	D.P.	962. A.	
The Ducheſs of Douglas,	P.P.	348 H—K.	
Mrs Hepburn, ſiſter to the Ducheſs of Douglas,	D.P.	433. B.	
Mr William Hamilton miniſter,	Ser.	24. A, B.	

Mr

Mr Joſeph Douglas and Mr Colvile informed of the pregnancy.		PROOF.	TRANSLATION.
Mr Joſeph Douglas, - -	P.P.	372. I, K.	
Mr Colvile, - - - -	P.P.	298. B—D.	
Lady Jane intended to have gone to Switzerland.			
Letter Lord Crawford to Sir John,	D.P.	962. E. 963. A, B.	
Letter Sir John to Mr Robertſon without a date, but anſwered the 3d May, deſiring to be recommended to ſome perſon at Geneva, - - - -	P.P.		
Letter Lady Jane to Mr Halden,	P.P.	63. D—F.	
Lady Jane intended to ly in at Bedbour.			
Notorial Declaration Madam Tewis, - - - - -	D.P.	16. B—D.	486. B—D.
Mr Joſeph Tewis, - - -	D.P.	17. E—G. 18. A.	487. F, G. 488. A, B.
Sir George Colquhoun, - -	D.P.	30. B—D.	
Colonel Douglas, - - -	D.P.	34. A—D.	

V. HEAD. Lady Jane having left Aix, ſet out for France, but on her way ſtaid ſome days at Leige, where ſhe was ſeen by ſundry Scotch and others, who obſerved her pregnancy.

		PROOF.	TRANSLATION.
Mr Lambinon, - - -	D.P.	43. D—G.	505. D—G.
Madam Lambinon, - - -	D.P.	46. B—F.	508. A—E.
Mrs Hepburn of Keith, - -	Ser.	9. C, D.	
Ditto, - - - - - -	P.P.	338. K, L. 339. A—F.	
Mr Hepburn of Keith, - -	Ser.	8. B.	
Ditto, - - - - - -	P.P.	337. D, E.	
Mr Byres of Tonley, - -	D.P.	378. A—D.	
The Chevalier Douglas, - -	D.P.	39. A—E.	500. E—G. 501. A—D.
Mr Grahani of Garvock, -	D.P.	362. D—F.	
Mr Gordon of Coubardie, -	D.P.	375. F, G. 376. A, B.	

VI. HEAD. Lady Jane Douglas left Leige about the 26th of May, ſtaid ſome days at Sedan, and about the 6th or 7th of June arrived at Rheims, where ſhe was obſerved to be with child, by

		PROOF.	TRANSLATION.
Lieut. M'Kenzie a Dutch officer,	D.P.	53. A—F.	
Abbé Hybert at Rheims, - -	D.P.	47. D---F. 48. B—G. 49. A—C.	509. C—G. 510. A—G. 511. A—C.
Mr Querangall, - - -	D.P.	55. G. 56. A—E.	514. G. 515. A—F.
Madam Mayette, - - -	D.P.	58. A—C.	517. B, C.

VII. HEAD. Lady Jane's pregnancy is further eſtabliſhed by the evidence of thoſe who lived in family with her, during the whole progreſs of it, and who had the beſt acceſs to know her condition, *viz.* Mrs Hewit, Mrs Glaſs, and the deceaſed Effey Caw.

		PROOF.	TRANSLATION.
Mrs Hewit,	Ser.	10. F, G. 11. A—G.	
Mrs Glas,	Ser.	18. B—G. 19. A—G.	
Ditto,	P. P.	50. C—H.	
And as to Effey Caw,			
Mrs Hepburn of Keith,	Ser.	9. G. 10. A—C.	
Mrs Riccard Hepburn,	D.P.	382. A—C.	
Mr Peters Bookſeller,	D.P.	382. E—G. 383. A.	

VIII. HEAD. At Leige and Rheims Lady Jane cauſed make child's cloaths, and her ſervants Effey Caw and Iſabel Walker aſſiſted in purchaſing and making them.

		PROOF.	TRANSLATION.
Mr Lambinon at Leige,	D.P.	43. G.	505. F.
Madam Lambinon,	D.P.	46. F.	508. E.
Mr Andrieux at Rheims,	D.P.	64. B, C.	523. D—F.
Madam Privauteau at Rheims	P. P.	155. G, H.	899. E, F.
Miſs Hybert,	P. P.	159. A, B.	903. E, F.
Mrs Glaſs,	D.P.	370. A.	

IX. HEAD. Lady Jane being adviſed to go to Paris to be delivered, ſet out from Rheims, along with Mr Stuart her huſband and Mrs Hewit on the 2d July 1748, and arrived at Paris on the 4th of that month, at the hotel de Chalons, ſtreet St Martin.

		PROOF.	TRANSLATION.
Chevalier Douglas,	D.P.	39. D, E.	501. B—D.
Mr Hepburn of Keith,	Ser.	8. C, D.	
Mrs Hepburn,	P. P.	340. B, C.	
Mrs Hewit,	P. P.	251. G—L.	
Madam Mailfere,	D.P.	148. F—G. 149. A, B.	604. B—D.

X. HEAD. Lady Jane, Colonel Stuart, and Mrs Hewit, in a few days after, removed from the Hotel de Chalons to the houſe of a perſon called *Madam le Brun*, where Lady Jane was delivered on the 10th July of the defender and his twin brother, by a man-midwife, called *Pier de la Marr*. At this time there were ſeveral women of the name of Le Brun, who had houſes in the Fauxbourg St Germain, and other parts of Paris, ſome of them entered in the capitation-rolls, and others not; ſundry of theſe were *gardes malade*, and had daughters, but from death and other accidents it has become impoſſible

to

to trace them. There was alſo a ſurgeon at that time in Paris of the name of Pier de la Marr, who practiſed midwifery, though unlicenced; and this Pier de la Marr, who is now dead, was connected with a Madam le Brun, *garde malade*, who had a daughter; and, by a variety of concurring circumſtances, it is proved, that he was the perſon who brought Lady Jane to bed.——The defender's twin-brother, when born, being very weak, was baptiſed by the man-midwife, and a nurſe having been provided for him in the neighbourhood of Paris, he was ſent to her houſe.

		PROOF.	TRANSLATION.
Mrs Hewit,	Ser.	12. B—F.	
Ditto,	P. P.	252. E—L. 253. A—K. 254. H—L. 255. A, B.	
Mr William Loch,	Ser.	25. A—C.	
Note produced by Mrs Napier,	P. P.	9. B.	
Note holograph of Sir John, received by Mr Brown, from Mr Orr, and produced by him,	P. P.	17. D—I. 19. G—K.	
Mr Menager ſurgeon in Paris,	D.P.	67. A—G. 68. A—F.	526. D—F. 527. A—G. 528. A—D.
Mr Gilles ſurgeon in Paris,	D.P.	72. F, G. 73. A—C.	532. F, G. 533. A, B.
Mr Moreau firſt ſurgeon of the Hotel Dieu,	D.P.	81. B—D.	534. F, G. 535. A, B. N. B. *For the words*, more than two years ago, *read* more than one year ago, *being an error in the printed tranſlation.*
Declaration by Mr Gilles, relative to the oath of the above Mr Moreau.	D.P.	83. C—E.	537. B, C.
Mr Morand ſurgeon-major of the Invalids,	D.P.	85. F—G. 86. A—C.	538. F, G. 539. A—C.
Mr Simonau,	D.P.	87. B—E.	540. B—F.
Mr Bordeu,	D.P.	88. C—G. 89. A—E.	541. C—G. 542. A—F.
Mr Potron,	D.P.	91. A—G. 92. A, B.	544. D—G. 545. A—D.
Miſs Granette,	D.P.	113. D—G.	566. A—D.
M. Mellet ſurgeon,	P. P.	402. C—F. 405. C—E.	936. E—I. 939. E—H.
Mr la Marr's book, a copy of which is in proceſs, makes mention of a Madam le Brun, with whom he muſt have been acquainted.			
Minute of two converſations betwixt M. D'Anjou and Francois de la Marr,	D.P.	1031.	746.
Mr Robert Douglas,	D.P.	448. D—G.	
Mr Hart,	D.P.	159. C—E.	615. A—C.
Extracts from the Capitation,	D.P.	306. A—G. 307. A—G. 308. A—C.	725. A—G. 727. A—G. 728. A—C.
M. de Beauville,	D.P.	116. F, G. 117. A—G. 118. A—G.	570. C—G. 571. A—G. 572. A—G.
M. Maſſon de la Croiſſete,	D.P.	120. A—G. 121. A—G. 122. A—G. 123. A, B.	574. A—G. 575. A—G. 576. A—G. 577. A—C.
The proof ariſing from the inaccuracy of the capitation-records, to be afterwards ſtated.			

XI. HEAD. La Brun's houſe being infeſted with buggs, Lady Jane was obliged, ſoon after her delivery, to be removed to the houſe of Michelle, à l'Hotel D'Anjou, ſtreet Serpente, the people of which houſe had occaſion to obſerve her remarkable affection and anxiety for the defender. She was in a very weak and ſickly condition when ſhe arrived at this place, but gathered ſtrength daily, and was in a condition, about the 3d or 4th of Auguſt, to go to Damartine, about ſix leagues from Paris, where ſhe continued to recover, and about the 16th of Auguſt returned to Rheims, where the remarkable difference in her ſhapes, looks, and whole appearance was obſerved by ſundry perſons, and where ſhe diſcovered the greateſt affection for the defender.

		PROOF.	TRANSLATION.
Mrs Hewit,	Ser.	12. C—E.	
Madam Michelle,	P.P.	112. D, E. 113. B—H. 116. A—C.	849. C, D. 850. D—H. 852. F—H.
Mr Michelle,	P. P.	120. D—G. 121. B—H.	858. F—L. 859. F—I. 860. A, B.
Principal Gordon's letter to Sir James Stuart,	P. P.	4. E—H.	
Madam Blainville,	P. P.	125. K. 126. A—L. 129. A—E. 130. K. 131. A—D.	865. A—I. 866. A—F. 868. G—I. 869. A—C. 871. A—E.
Breval,	P. P.	135. G—L.	876. D—H.
Madam Favre the nurſe,	P. P.	140. C—K. 141. F—L.	881. F—L. 882. A—D. 883. A—E.
Michelle Favre,	D.P.	136. B, C.	591. A.
John Favre,	D.P.	143. F—G.	589. C, D.
Madam D'Eaux at Damartine,	D.P.	138. F, G. 139. A—C. Ditto, F, G. 140. C.	593. E—G. 594. A. Ditto, E. 595. B, C.
Madam Mangin the nurſe engaged at Damartine,	D.P.	141. C—F.	596. A—E.
Baron M'Ellicot,	D.P.	350. C—E.	
Miſs Primroſe,	D.P.	358. D—G. 359. F, G.	
Mrs Greig,	P. P.	343. D—L. 344. A.	
Madam Mailfere,	D.P.	148. B—E.	603. D, E.
Mrs Glaſs,	D.P.	367. B—G.	
Madam Mayette,	D.P.	58. A, B. 58. E.	517. B, C. 517. F, G.
Mr Andrieux,	D.P.	64. G. 65. A.	524. C, D.
Madam Rutledge,	D.P.	154. A.	609. C, D.
Letter Mr Macnamara,	P. P.	6. B—D.	
Miſs Sautré,	P. P.	165. I.	910. H.
General M'Lean,	D.P.	364. C.	
Chevalier Douglas,	D.P.	40. B. 42. G.	501. D, E. 504. G.

XII. HEAD. The defender's twin-brother Sholto remained with his nurſe in the neighbourhood of Paris, under the inſpection of La Marr, from July 1748 to November 1749, in which time he became more healthy and ſtrong. During the ſame period of time it is proved, that a child belonging to foreign parents

was

was nurſed by a woman called *Garnier, a la Haute-Borne*, near Mini-montain, in the neighbourhood of Paris, which child was delivered to the ſaid nurſe Garnier by Pier la Marr, who informed her that he was a twin, and gave her money from time to time for nurſing and keeping the child. From theſe, and from various other circumſtances, it is clear, that the ſaid Madam Garnier was the nurſe of Sholto.

		PROOF.	TRANSLATION.
Mr Menager,	D.P.	68. B. 70. A.	527. F. 529. F.
Mr Gilles,	D.P.	73. A.	532. G.
Declaration to Moreau,	D.P.	83. D.	537. B.
Miſs Granette,	D.P.	113. D—G.	567. A—D.
Madam Garnier,	D.P.	101. C—G. 102. A—G.	554. A—G. 555. A—F.
Madam Beaucault,	D.P.	107. A—G. 108. A—G.	560. A-G. 561. A-G. 562. A.
Mr Garnier,	D.P.	105. B—F.	558. B—G.
Madam Rouſslet,	P. P.	448. G, H. 449. A, B.	981. H, I. 982. A, B.

XIII. HEAD. Lady Jane and her huſband, on their returning to Rheims, ſpoke frequently of their youngeſt child Sholto, whom they had left near Paris, under the care of the man-midwife. Mr Stuart went to ſee him from Rheims, as he had formerly done from Damartine. He frequently received letters from La Marr while at Rheims, giving accounts of Sholto, which accounts he and Lady Jane communicated to their friends in Scotland and elſewhere, and Mr Stuart alſo wrote letters to La Marr.

		PROOF.	TRANSLATION.
Baron M'Ellicot,	D.P.	350. F. 353. D. 354. A—C.	
Miſs Primroſe,	D.P.	358. F, G. 359. A—C.	
Mrs Greig,	P. P.	343. G—L. 344. A.	
Madam Mailſere,	D.P.	148. C, D. 149. F.	603. D—F. 605. B.
Madam Mayette,	D.P.	59. C.	518. D.
Mrs Hewit,	Ser.	12. E.	
Ditto,	P. P.	256. C—G.	
Mrs Glaſs,	Ser.	20. F.	
Ditto,	P. P.	368. D—G. 369. A—D.	
Madam Rutledge,	D.P.	154. D—G.	609. F, G. 610. A—C.
Madam Mangin,	D.P.	142. D, E.	557. D.
Letter Lady Jane Douglas to Lady Mary Menzies,	D.P.	889. D.	
Letter Sir John Stuart to Biſhop Keith,	D.P.	883. D, E.	
Letter Lady Jane to Lady Mary Hamilton,	D.P.	983. D.	
Ditto to Ditto	D.P.	985. B—D.	
Letter Lady Jane Douglas to Mrs Hepburn,	Ser.	32. E, F.	
And there are many more to the ſame purpoſe.			

Note

		PROOF.	TRANSLATION.
Note in Lady Jane's pocket-book, bearing, that Mr Stuart had wrote to Mr Waters, banker at Paris, 11th September 1749, and to M. la Marr the ſame day.— A copy of Mr Waters's anſwer to Mr Stuart, which mentions the receipt of his, the ſaid 11th September, is recovered, -	P. P.	392 D.	
One of the French letters, or copies from La Marr, produced in the Service, mentions the receipt of a letter from Mr Stuart, 10th September 1749. - -	Ser.		
Extrait de la procedure extraordinaire produced by Mr Andrew Stuart, by which Madam la Marr ſays, ſhe burnt many papers after her huſband's death, among which were letters mentioning the name of Stuart.	D.P.	1028. F, G	743

XIV. HEAD. Lady Jane Douglas, while at Rheims in the 1748, had a miſcarriage, and during her ſtay at that place, was obſerved to have the ordinary ſymptoms of a woman in condition to have children: ſome of the witneſſes mention that ſhe had two miſcarriages, but that ſhe had one ſeems to be clearly eſtabliſhed.

		PROOF.	TRANSLATION.
Letter Mrs Hewit to Mrs Hepburn, 21ſt December 1748,	Ser.	33. B—D.	
Depoſition Mrs Hewit, - -	Ser.	13. B.	
Ditto, - - - - -	P. P.	256. G—L. 257. A, B.	
Mrs Glaſs, - - - -	Ser.	21. B, C.	
Ditto, - - - - -	D.P.	368. A, D.	
Madam Mangin the nurſe, -	D.P.	141. G. 142. A—D.	596. F. 597. A—D.
Mrs Greig, - - - -	Ser.	16. F. 17. A.	
Miſs Primroſe, - - -	D.P.	359. C—F.	
Madam Mailſere, - - -	D.P.	147. F, G. 148, A, B.	602. B—D.
Madam Mayette, - - -	D.P.	59. B. 61. E.	518. C. 520. G. 521. A.
Madam Rutledge, - - -	D.P.	153. C—E.	608. E—G. 609. A, B.

XV. HEAD. The Duke of Douglas having, in July 1749, withdrawn the penſion he had allowed Lady Jane, ſhe and her huſband were reduced to great ſtraits at Rheims. She thereupon wrote to the Earl of Morton, who lent her *L.* 350 *Sterling*, immediately after which ſhe and her huſband, with Mrs Hewit, went to Paris for Sholto, and, on their return to Rheims, paid their debts at that place, and, on the 29th November, ſet out with their family for England. At Dunkirk they were obliged to borrow twenty-five louidores from Chevalier Douglas, and *L.* 40 *Sterling* from Sir Wal-

ter

ter Rutledge, by means of which they were enabled to proſecute their journey to London, where they arrived before Chriſtmas ſaid year.

		PROOF.	TRANSLATION.
Letter Mr Waters to Lady Jane, informing, that he was ordered to pay her no more money.	P.P.		
Letter Lady Jane to Lord Morton,	D.P.	975. E, F.	
Letter ditto, to ditto, -	D.P.	976. E—G.	
Madam Mayette, - - -	D.P.	59. E—G. 60. B—E.	518. G. 519. A.
Madam Mailfere, - - -	D.P.	148. C, D. 149. F.	605. B.
Mr Mailfere, - -	D.P.	151. F, G. 152. A.	607. B, C.
Chevalier Douglas, - -	D.P.	39. F, G. 40. A—C.	501. D—G. 502. A, B.
Mrs Glaſs, - - -	P.P.	52. A—F.	

XVI. HEAD. That Sir John Stuart and Lady Jane Douglas, on communicating the news of Lady Jane's delivery, acquainted their friends that the defender was a ſtrong healthy child, and that his twin-brother Sholto was ſo remarkably weak, that he was immediately baptiſed by the man-midwife; and in their letters, from the birth, down to his being brought to Rheims in November 1749, mentioned, that though he recovered ſtrength, yet he was ſtill a weakly child. The ſaid child Sholto, when brought to Rheims, agreed exactly with this account, and was much more weakly than the defender, and continued ſo till his death.

		PROOF.	TRANSLATION.
Baron M'Ellicot, - -	D.P.	353. D.	
Miſs Primroſe, - -	D.P.	358. F.	
Letter Lady Jane to Mrs Hepburn, 11th October 1748,, - -	Ser.	32. E, F.	
Letter Lady Jean to Mr William Hamilton, 26th March 1749.	Ser.	37. E.	
Letter Lady Jane to Lady Mary Hamilton, - - -	D.P.	983. D.	
Letter Lady Jane Douglas to Lady Mary Hamilton, 5th June 1749.	D.P.	985. G.	
Letter Lady Jane to Lady Mary Menzies, 7th October 1748.	D.P.	889. D.	
Letter Sir John to Lord Haining,	P.P.	63. H.	
Letter ditto to Madam Tewis, -	P.P.	67. B.	811. B.
Madam Mailfere, - - -	D.P.	148. D.	603. F.
Mr Mailfere, - - - -	D.P.	151. F.	607. B.
Chevalier Douglas, - - -	D.P.	39. F.	501. E.
Mr John Murray, - - -	D.P.	410. A, B.	
Mrs M'Lean, - - - -	D.P.	404. F.	
Mrs Smith, - - - -	D.P.	406. F.	
Mrs Skene, - - - -	D.P.	408. F.	
Doctor Eccles, - - - -	D.P.	384. F.	

XVII. HEAD.

XVII. HEAD. Lady Jane Douglas had the natural ſymptoms of a woman in condition of having children, after her return to Britain.

		PROOF.	TRANSLATION.
Mrs Greig,	P. P.	344. E, F.	
Janet Andrew,	D.P.	287. F, G. 388. A.	
Helen Ferguſon,	D.P.	286. G. 387. A, B.	
Janet Brown,	D.P.	387. D.	
The Hon. Mrs Maitland,	D.P.	386. E.	
Mrs Glaſs,	P. P.	49. B.	

XVIII. HEAD. Lady Jane Douglas, as well as her huſband Mr Stewart, diſcovered, on all occaſions, not only while abroad, but after their return to this country, the moſt tender affection and love for their children: the youngeſt child Sholto, was remarkably like his mother Lady Jane; and the defender has a ſtrong reſemblance of his brother, the preſent Sir John Stewart of Grandtully.—Mr Stewart, after his return to England, having been confined for debt, many letters paſſed between him and Lady Jane, which have been accidentally recovered.—Theſe letters ſhow the ſtraits to which they were then reduced; they are full of the moſt honourable and virtuous ſentiments; and in almoſt every one of them, the children are mentioned in terms of the greateſt affection.

		PROOF.	TRANSLATION.
Lord Lindores,	D.P.	371. D—G.	
Miſs Primroſe,	D.P.	360. B—E.	
Mr William Hamilton miniſter,	P. P.	329. A—L. 330. A—L.	
Miſs Johnſton,	D.P.	402. F, G. 403. D.	
Mrs M'Lean,	D.P.	404. C—F.	
Mr Gordon bookſeller,	D.P.	405. A—F.	
Mrs Smith,	D.P.	406. A—C. 407. C, D.	
Mrs Skene,	D.P.	408. C—G. 409. A, B.	
Mr Hope of Rankiller,	D.P.	409. C—E.	
Doctor Eccles,	D.P.	384. G. 385. A—D.	
The Honourable Mrs Maitland,	D.P.	386. B—E.	
Janet Andrew,	D.P.	388. B—F.	
Walter Colvill,	P. P.	296. K, L. 297. A—F.	
Mr Loch,	Ser.	26. B, C.	
Lady Wigton,	Ser.	28. D—G.	
Mrs Napier,	D.P.	11. I, K.	
The Counteſs of Glaſgow,	D.P.	397. F, G.	
Mr Rigg of Morton,	D.P.	411. C—E.	
The Hon. Mr Stuart M'Kenzie,	P. P.	377. I—G.	
Mr David Græme advocate,	D.P.	410. F.	
Earl of Morton,	P. P.	300. G.	
Chevalier Douglas,	D.P.	42. G.	
Mrs Greig,	P. P.	344. G.	
Mr William Grindlay linen-draper,	P. P.	368. F, G.	

Letters

		PROOF.	TRANSLATION.
Letters Lady Jane Douglas to Sir John,	D.P.	821—867.	
Excerpts of letters from Lady Jane to Sir John,	D.P.	900—938.	
Excerpts of letters from Lady Jane to Sir John,	D.P.	941—956.	
Letter by Lady Jane to the Duke of Douglas,	D.P.	970. G. 971. A—E.	
Letter by Lady Jane to the Duke,	D.P.	994. F, G. 995. A—F.	
Letter Lady Jane to Lady Mary Hamilton,	D.P.	987. A—E.	
Letter Sir John to Mr Loch,	Ser.	43. E—G. 44. A—D.	
Poſtſcript thereto by Lady Jane,	Ser.	44. F.	
Letter Sir John to the Earl of Morton,	D.P.	977. F, G. 978. A, B.	

XIX. HEAD. After the death of Lady Jane and her youngeſt ſon, Mr Stuart continued his fondneſs for the ſurviving child in a remarkable manner. Upon his ſucceeding to the eſtate of Grandtully, after the death of his brother, he executed a bond of proviſion in favour of the defender, for 50,000 merks.

		PROOF.	TRANSLATION.
Letter Sir John Stuart to Lady Shaw, 10th January 1754,	D.P.	971. F. 972. A, B.	
Copy letter ditto to ditto, mentioned in the above letter,	D.P.	972. D, E.	
Letter ditto to ditto, 28th February 1754,	D.P.	972. G. 973. A—F.	
Letter ditto to ditto, 1ſt January 1756,	D.P.	973. G. 974. A—D.	
Letter ditto to ditto,	D.P.	974. E—G. 975. A—C.	
Mr Loch,	Ser.	24. D—G.	
Bond of proviſion Sir John to the defender, dated 25th February 1760,	D.P.	459. D—G.	
Mrs Skene,	D.P.	408. D—G.	
Mr Hepburn of Keith,	P. P.	338. B—G.	
Mrs Hepburn,	P. P.	339. H—L. 340. D—K.	

XX. HEAD. Lady Jane and her huſband not only treated the defender and his twin-brother as their children, and conſtantly acknowledged them as ſuch, but did, on ſundry remarkable occaſions, declare, in the moſt ſolemn manner, that they were their real and lawful progeny.

		PROOF.	TRANSLATION.
Mrs Hewit,	Ser.	13. E—G.	
Mrs Glaſs,	Ser.	22. B, C.	
Janet Andrews,	D.P.	388. E, F.	
Mrs M'Crabbie,	D.P.	400. A—G. 401. A—G. 402. A—C.	
Chevalier Douglas,	D.P.	41. D.	503. C.
The Hon. Mrs Maitland,	D.P.	386. D—E.	
Declaration by Sir John Stuart on deathbed, 7th June 1764,	D.P.	448. B, C.	
Joſeph Douglas of Edrington,	Ser.	23. B.	
Mrs Greig,	Ser.	17. C.	

XXI. HEAD.

XXI. HEAD. Both Lady Jane and her huſband were univerſally believed incapable of the crime laid to their charge.

		PROOF.	TRANSLATION.
The Hon. Mr Stuart M'Kenzie, -	P. P.	377. E—G.	
Mr Patrick Halden, - -	P. P.	302. H.	
Mr Rigg of Morton, - -	D.P.	411. D.	
Lady Mary Menzies, - -	D.P.	399. D.	
The Counteſs of Glaſgow, -	D.P.	398. D.	
The Counteſs of Eglintoun, -	D.P.	396. F, G.	
Mrs Skene, - - - - -	D.P.	408. F.	
Mr Hepburn of Keith, - -	P. P.	337. G—I.	
Mrs Hepburn of Keith, - -	P. P.	339. K.	
Mr Hope of Rankeiller, - -	D.P.	409. D, E.	
Mrs Greig, - - - - -	P. P.	344. G—K.	
Mrs M'Crabbie, - - -	D.P.	401. F, G.	

XXII. HEAD. Mrs Hewit and Iſabel Walker are perſons of unblemiſhed character, and have always related what they knew of Lady Jane's pregnancy and delivery in an uniform manner.

		PROOF.	TRANSLATION.
Mr Colvil, - - -	P. P.	297. D—F. 298. B—E.	
Mr Harper miniſter, - -	D.P.	450. F, G. 451. A—F.	
David Clark, - -	D.P.	452. F, G.	
Mrs M'Lean, - - - -	D.P.	402. D, E.	
Mr William Hog, - -	D.P.	453. E, F.	
Miſs Anna Hog, - -	D.P.	433. F.	
Letters wrote by Mrs Hewit.			
Letter Mrs Hewit to Lady Mary Hamilton, - -	D.P.	988. B, C.	
Letter Mrs Hewit to Sir John, 22d March 1754, - -	D.P.	958. C, D.	
Letter Mrs Hewit to Sir John about innoculating the defender,	D.P.	959. B, C.	

XXIII. HEAD. The defender was, in various deeds executed by the Duke of Douglas, acknowledged to be the ſon of Lady Jane Douglas.

		PROOF.	TRANSLATION.
General diſpoſition, 1ſt October 1754, - - - -	D.P.	1003.	
General diſpoſition, 10th June, 1757,	D.P.	1004.	
Nomination of tutors and curators by the Duke to the defender, dated 11th July 1761, - -	D.P.	1066.	

SUMMARY.

PART II.

ARTICLE I. Of the Condeſcendence for the purſuers, as it only ſets forth in general, that the defender is not Lady Jane Douglas's ſon, requires no particular anſwer.

ARTICLE II. Seems to found on Lady Jane's age, as an argument againſt her having children.

ANSWER. 1ſt, She was under fifty when ſhe became with child of the defender and his twin-brother, as it is admitted by the purſuers that ſhe was born in March 1698. 2dly, She was in a condition to have children when ſhe went abroad in 1746; ſhe continued ſo when abroad, and ſhe was obſerved to have the ſymptoms and appearances common to women in that condition, even after ſhe came home.

	PROOF.	TRANSLATION.
Doctor Eccles, - - -	D.P. 385. G. 386. A.	

Vide SUMMARY I. and the depoſitions there referred to——HEADS 2d, 5th, 6th, 7th, 10th, 14th, 16th.

ARTICLE III. That in winter and ſpring 1748, Lady Jane was frequently ſeen at Aix-la-Chapelle by Britiſh ſubjects of rank and character, who ſaw no appearances of her being then with child.

ANSWER. As Lady Jane's marriage was not made public during her reſidence at Aix-la-Chapelle, it is not remarkable that her being with child was not known to every perſon, but it was obſerved by many.

Vide SUMMARY I. HEAD 2d.

ARTICLE IV.

ARTICLE IV. That about the end of May 1748, Sir John Stuart and Lady Jane, with Mrs Hewit, two maid ſervants and a man ſervant, ſet out from Aix-la-Chapelle for Leige; they diſmiſſed their man ſervant at Leige and ſet out for Sedan, and from thence, on the 5th June, ſet out for Rheims, in the ſtage-coach of Sedan.

ANSWER. It is admitted they ſet out for Leige the 22d May 1748; they ſolicited their man ſervant to go with them into France, which he refuſed, on account of his having deſerted from the French ſervice.

		PROOF.	TRANSLATION.
Notorial delaration Madam Tewis,	D.P.	61. D.	486. D.
Madam Quibel, wife of Mr Quibel, ſervant to Lady Jane at Aix,	D P.	19. A.	489. B, C.
Madam Gillieſon, - - -	D.P.	7. F.	477. E.

ARTICLE V. Mentions their rout from Sedan to Rheims, and reſidence there till the 2d July, to which no anſwer is neceſſary.

ARTICLE VI. That during their ſtay at Rheims, Lady Jane employed Madam Sautré, a mantuamaker there, to make or adjuſt a gown for her.—That Miſs Sautré took her meaſure, and fitted on the gown a few days before Lady Jane ſet out for Paris: that upon this occaſion ſhe had acceſs to obſerve Lady Jane's breaſts and ſhape, and yet ſaw no appearance of her being then pregnant.

ANSWER. This article, if true, is the ſtrongeſt proof poſſible of Lady Jane's having been with child; for as it is proved that ſhe had mentioned her pregnancy to Mrs Andrieux and others, and that ſhe was going to Paris to be delivered, from whence ſhe was to return to live at Rheims with her family, it is impoſſible, if ſhe had not been really with child, that ſhe would have allowed any mantuamaker to take her meaſure, and fit a gown on her.—But there is reaſon to think that this mantuamaker was not employed by Lady Jane till her return from Paris; eſpecially as there is no mention of this work in her book, and every thing ſhe did for La-

dy

dy Jane, ſubſequent to her return, is there mentioned. It is not proved that ſhe either ſaw her breaſts or her ſhape, or took her meaſure.

		PROOF.	TRANSLATION.
Miſs Sautré, - - - - -	P. P.	164. F. 165. C—H.	909. E, F. 910. C—H.
Mrs Hewit, - - - - -	P. P.	251. F.	
Miſs Sautré's account-book in proceſs.			

ARTICLE VII. & VIII. That during their ſtay at the Aubergiſtes a l'ecu de France, and during their ſtay at Madam Hibert's, neither of theſe families ever obſerved any phyſician, ſurgeon, or midwife with Lady Jane, nor did ſhe inquire either at them, or at the family of Mr Andrieux, about the aſſiſtance which could be had at Rheims, for a woman in child-birth; and that there were ſix midwives, and eleven ſurgeons then in Rheims, which is a populous city.

ANSWER. They did inquire at Madam Andrieux, with reſpect to the aſſiſtance to be got at Rheims; and Madam Andrieux gave them an unfavourable account of it, and adviſed them to go to Paris. Madam Mailfere has concurred in the ſame opinion with regard to the aſſiſtance at Rheims. The ſurgeons did not practiſe midwifery, and the midwives were unſkilful.

Vide SUMMARY I. HEAD 9th.

ARTICLE IX. That Lady Jane was ſeen frequently by all the family of Mr Andrieux, and by the perſons in whoſe houſe ſhe lodged, particularly by the Aubergiſte a l' ecu de France, and the Miſſes Hiberts, and that none of theſe perſons ever perceived her being with child.

ANSWER. The family of Mr Andrieux did know of Lady Jane's being with child: Madam Andrieux adviſed her to go to Paris; bought and cauſed make child's cloaths, was godmother to the defender when baptiſed, and never had the leaſt doubt of his being Lady Jane's ſon. Neither the Aubergiſte a l' ecu de France, nor any of his family have been examined by the purſuers. And

Lady

Lady Jane was obſerved with child in the houſe of Mr Hibert, by the Abbé Hibert, by Mr M'Kenzie, Mr Querengal, Madam Mayette, *&c.* and the Miſs Hiberts had little or no opportunity of ſeeing Lady Jane, but they ſaw the ſervants making child's cloaths.

		PROOF.	TRANSLATION.
Mr Andrieux, - -	D.P.	64. B, C. 65. G. 66. A.	523. D, E. 525. D.
Madam Priveauteau, -	P. P.	156. E, F.	900. D—F.
Miſs Hibert, - - - -	P. P.	158. A—C.	902. C, D.

Vide SUMMARY I. HEAD 6th and 7th.

ARTICLE X. That in June 1748, Sir John went by himſelf from Rheims to Paris, and on his return to Rheims, he and Lady Jane, and Mrs Hewit ſet out for Paris, without any ſervants, and that this ſeemed to be the conſequence of a ſudden reſolution.

ANSWER. This article needs no particular anſwer, as nothing is inferred from it. There is no evidence of any ſudden reſolution.

ARTICLE XI. That they left at Rheims the two maid-ſervants, paying board for them there, on the falſe pretence of want of money to tranſport them to Paris; and that in the houſe at Paris where Lady Jane actually lodged, they might have been as cheaply lodged as at Rheims.

ANSWER. As Iſobel Walker, one of the ſervants, has depoſed to the pregnancy in the ſtrongeſt terms; and both ſhe, and the other maid, now dead, are proved to have been employed in making childs cloaths before Lady Jane ſet out, theſe ſervants were clearly art and part of the fraud, if any was intended, and would have been of great uſe in accompliſhing it; ſo that their being left at Rheims, affords a moſt ſatisfying evidence, that no fraud or undue practice was meant to be carried on.

Vide SUMMARY I. HEAD 7th.
Ditto. HEAD 8th.

ARTICLE XII. That, in the year 1748, Sir John and Lady Jane received much more money than the *L.* 300. which was allowed her by the Duke of Douglas yearly.

ANSWER.

ANSWER. That Lady Jane and her huſband received more money than the *L.* 300. may be true; but it appears, at the ſame time, that they were conſtantly in want, and that their penſion from the Duke was by no means ſufficient for their ſupport, even in the cheapeſt places they could go to.

ARTICLE XIII. That upon the 2d July 1748, N. S. eight days before the date of the pretended delivery, Sir John, Lady Jane, and Mrs Hewit ſet out for Paris in the ſtage-coach of Rheims: That the diſtance between Rheims and Paris is above 33 leagues or 100 miles; and that the ſtage-coach is a very uneaſy machine: That Madame Audrie and her ſon were in the coach, and that they ſet out from Rheims at two o'clock in the morning, and the two following days between five and ſix; and that Lady Jane was noways indiſpoſed; and Madame Audrie herſelf, the mother of twenty children, ſat next to Lady Jane during the whole journey, and did not perceive any appearance of her being with child.

ANSWER. The ſtage-coach was the only machine to be got; it is far from being uneaſy, it goes only at the rate of about eleven leagues, or twenty-ſix Engliſh miles *per* day, and people of all ranks travel in ſuch machines in France. Madame Audrie, ſo much boaſted of by the purſuers, has no ſort of remembrance of Lady Jane's being in the coach, and only recollects Mrs Hewit, to whom ſhe gave moſt attention, on account of her being an entire ſtranger, and not ſpeaking the French language. Lady Jane underſtood and could ſpeak French; and that ſhe did ſpeak it during this journey, is proved by the other paſſengers, who have alſo depoſed that they gave no attention to her, ſo as to know if or not ſhe was with child.

		PROOF.	TRANSLATION.
Madam Mailfere, - - -	D.P.	150. E.	605. F. 606. A.
Certificate from the ſtage-coach from Sedan to Rheims in proceſs, whereby it appears, that Lady Wigtoun came to Rheims in the ſame public coach,	P. P.		
Madam Andry, - - -	P. P.	173. D—I.	919. E—I.
Mademoiſelle Vatry, - -	P. P.	168. B. 169. D, L.	913. F. 914. D. 915. D—H.
Madam Favre, - - -	P. P.	170. L. 171. A—K.	917. B. Ditto, E, H.

ARTICLE XIV. That Sir John and Lady Jane arrived at Paris on the evening of the 4th July 1748, N. S. being ſix days before the pretended delivery: That upon their arrival they ſtopt at the houſe of Mr Godfroy, called *L'hotel de Chalons*, in the Rue St Martin, where the coach of Rheims uſually puts up.

ANSWER. This article requires no anſwer.

ARTICLE XV. That ſome time after, they removed from Godfroy's to the houſe of Mr and Madame Michelle, called *Le petit hotel d'Anjou*, in the Rue Serpente, Fauxbourg St Germain, in which there was then a girl of the name of Marie.

ANSWER. On leaving Godfroy's they went to the houſe of one Madame Le Brun, where Lady Jane was brought to bed; and, on quitting her houſe on account of bugs, they went to Michelle's.

Vide SUMMARY I. HEAD 10.

ARTICLE XVI. And whereas the defender endeavoured to prove in his ſervice before the inqueſt, that Lady Jane was delivered of him and of his pretended twin-brother Sholto Thomas, at the houſe of Madame Le Brun, Fauxbourg St Germain, and that ſhe remained in child-bed at that houſe for nine or ten days after her delivery; the purſuers offer, on the contrary, to prove, that Sir John, Lady Jane and Mrs Hewit did not lodge at the houſe of Madame Le Brun, Fauxbourg St Germain, in the month of July 1748, but that they were at Godfroy's and Michelle's at times and during periods inconſiſtent with the poſſibility of Lady Jane's having been delivered at the houſe of Madame Le Brun upon the 10th July 1748, or of her having remained in child-bed for nine or ten days after ſuch delivery.

ANSWER.

ANSWER. The depoſitions of Godfroy's and Michelle's families, with reſpect to the reſidence of Sir John, Lady Jane, and Mrs Hewit, in their ſeveral houſes, contradict each other flatly, ſo cannot both be true. Godfroy's evidence is founded chiefly on his book, called *the Livre de Depenſe*; and this book (which by the bye is not in proceſs) contains only a parcel of articles from the 4th to the 14th July, furniſhed to certain anonimous perſons, which from memory he pretends to apply to Sir John, Lady Jane, and Mrs Hewit.—The depoſitions of Michelle's family, as to the time of the reſidence in their houſe, are founded on their book, called *Livre d' Inſpecteur*, which contains an article in theſe words, " *Mr Fluratl Eſcoſſois, et ſa famille, ſont entre* 8 *Juliet* 1748.—This article they likewiſe apply to Lady Jane, *&c.* who they ſay remained in that houſe from their entry, till they went to Damartine in the beginning of Auguſt. It is plain that they could not both remain in Godfroy's from the 4th to the 14th of July, and alſo be in Michelle's from the 8th downward. But as it is proper to obviate the evidence ſaid to ariſe from both of theſe books, the defender ſhall firſt explain that referred to by Godfroy, and then make ſome obſervations on Michelle's.

GODFROY.

Beſides the *Livre de Depenſe*, it will be obſerved that Godfroy had a *Livre d' Inſpecteur*, for the police, in which there is an article in theſe words, " 7th July 1748, " Mr Stuart, a Scotch gentleman, and his ſpouſe;" which article is of the hand-writing of Madam Godfroy his wife. He depoſes, " that he remembers that in ſummer 1748, one Mr Stewart, and two ladies with him, lodged in his houſe: That he only ſaw theſe ladies imperfectly, as he never went to their rooms, and he was often abroad through the day: That he believes there were then a great number of people lodged in his houſe, becauſe he gave Mr Stuart a lodging in the ſecond ſtorey: That it is his wife who manages the affairs of the family. He does not remember that in

ſummer

ſummer 1748 there were any other ladies lodged in his houſe, except the two above mentioned: That he had then two ſervants, one of whom, called *Louiſon*, is dead, and the other, a man ſervant, whoſe name he believes was *Borin*, alſo dead: That he believes Mr Stuart was dreſſed in red, though he is not certain: That his *Livre d' Inſpecteur* is inexact."—Madam Godfroy ſwears almoſt the ſame thing, with this difference, that ſhe ſays her ſervants were called *Foutiers*. They both depoſe that Mr Stuart and his company ſtaid from the 4th to the 13th incluſive: That Madam Godfroy, who wrote the entry in the beginning of the account, not knowing the name at firſt, had left it blank; and as Mr and Madam Stuart were not to continue in the hotel, ſhe had neglected to fill it up; and that there are ſeveral other examples of perſons whoſe names are not marked.—Godfroy and his wife depone, "That they cannot from memory fill up the names of the perſons to whom any of the other blank articles in their book relate; and that there are a number of accounts in this book, where the word *Monſieur* is of one hand-writing, and the name filled up with another, which has been owing to this, that the name was not at firſt known, but afterwards filled up when known."

The defender inſiſts, that theſe depoſitions ought to be diſregarded; 1*mo*, Becauſe it is impoſſible that they can remember, at the diſtance of 17 years, the particular perſons who happened to lodge in their houſe for a few days.—2*do*, They only pretend to have ſeen Lady Jane, *&c.* imperfectly, and can give no deſcription of them.—3*tio*, They ſay that their houſe was, and is much frequented, and conſiſted of fifteen rooms and ten cloſets; and they ſeem to ſay it was then full, and that it was always full; yet in their book there does not appear to have been above three perſons in the houſe during the whole time that Mr Stuart is pretended to have ſtaid in their houſe.—It further appears by their book, that they had many women lodgers during that year, though they themſelves ſay that they do not remember any other woman.—They likewiſe differ as to the names of their ſervants.—Godfroy's livre d' Inſpecteur

teur is acknowledged inexact; and his livre de depenſe is proved, by himſelf, to be ſo, as it does not contain accounts for the half of the perſons who muſt have lodged in his houſe.—He cannot tell to whom any one of the other blank articles in his book applies, even thoſe of a much later date than the 1748; and why ſhould his memory be truſted with reſpect to Mr Stuart alone, as he does not pretend to have had the leaſt connection with him? If the account in queſtion had belonged to Mr Stuart, his name would have been filled up in it, as it is proved by the livre d' Inſpecteur that he was known to Godfroy on the 7th July, when they were ſtill in this houſe; and Madam Godfroy, when ſhe wrote the pretended renewal of the account on the 9th July, could not be ignorant of the name, as it was herſelf who had wrote him in the *Livre d' Inſpecteur*.—It may be obſerved too, that the articles in the firſt and ſecond account are differently ſtated; from which it ſeems probable, that theſe two accounts do not apply to the ſame company.

It may further be obſerved, that though Mr Stuart's name appears on the police record taken from Godfroy's *Livre d' Inſpecteur*, of date the 12th July, it will *now* be admitted by the purſuers themſelves, that this is no evidence of Mr Stuart's having been in that hotel on the 12th; the fact being, that theſe records bear the date only of the Inſpecteur's report, and not of the perſons entry or actual reſidence in the houſe.

The depoſitions of Godfroy and his wife are further diſcredited by

		PROOF.	TRANSLATION.
Mrs Hewit, who ſwears they only remained three nights in Godfroy's, - - -	P. P.	252. F, G.	
Firſt Plainte by the purſuers, Dec. 1762; in which it was only ſaid, that it was probable Sir John had ſtaid there for the firſt four days after his arrival, as it was the ordinary place where paſſengers from Rheims alighted; which ſhows that Godfroy did not then remember any thing particular about him,	D.P.	1022. B.	737. D.
Expoſé des faits des prouves ſur la ſuppoſition d'Archibald Stuart,	D.P.	1029. E, F.	774
Memoire a conſulter pour les pourſuiants, - - - - -	D.P.	1027. A. 1028. A.	741. 742.

MICHELLE.

As to the entry in Michelle's book on the 8th July, which is contradicted by Godfroy's evidence, it is further to be obſerved, that the laws of Police require the Aubergiſtes, and thoſe who let hotels, or chambres garnie, to write down, in each of two books, day by day, and without any blank, the names of the people who lodge in the houſe, with the day of their arrival, and the day of their departure.----The Inſpecteurs of police are ordered to viſit the hotels every day, and take a copy of all the entries made in theſe books from their preceding viſit, which copy they ſend to the general regiſter of Police, where it is recorded in a book——Michelle, in the 1748, kept two books, in conſequence of the Police laws; but it appears that they are not conform to each other, as they ought to be; and the article applied to Mr Stuart is only mentioned in one of theſe books, and omitted in the other.----And though a full copy of all the entries in both or either of theſe books ought to be ſent to the general regiſter of Police, and recorded, yet it is remarkable that the article ſaid to regard Mr Stuart, is not to be found in the general regiſter.----A third irregularity with reſpect to this article, no leſs extraordinary, is, that the entry immediately preceding that ſaid to regard Mr Stuart, is of a perſon who arrived at the hotel the 12th of July 1748; from which it is clear,that if this article applies to Mr Stuart, he was not arrived at this hotel till after the 12th July; and therefore it may be fairly preſumed, that the perſon who wrote this article has intended to put down the 18th, and omitted the 1ſt figure.-----4*to*, It cannot be ſaid that Mr Stuart, *&c.* came to the houſe on the 8th, and that the ſervant-maid only omitted writing down their entry till the 12th orafter the 12th, for from the oaths of Michelle and his wife it appears, that the article was wrote on the very day of the rooms being taken, which therefore muſt have been after the 12th, as it ſtands in the book poſterior to an article on the 12th. This article is ſaid, by Michelle and all his family, to be of the hand-writing of Mary their ſervant, who, they have ſworn, was much addicted to drunkenneſs, and on whom no dependence could be had. And, 5*to*, What

makes

makes it the more probable that the date of this article ought to have been the 18th, is that all Michelle's people ſay that it was one Duchenois, a traiteur, who furniſhed Mr Stuart with victuals during the whole time of his ſtay at the hotel d'Anjou: and in Lady Jane's memorandum-book, an excerpt of which is produced, there are theſe words, *commence avec le traiteur Samedi, le* 20. *Juliet*; which agrees exactly with the ſuppoſition of the rooms having been taken the 18th, and poſſeſſed next day, or day after.

		PROOF.	TRANSLATION.
Laws with regard to chambers garnie,	D.P.	308. E—G.	723. F, G. 724. A.
Meſſ. Hubert, Grymperel, and Guyot, commiſſaires,	D.P.	170. G. 171. A—E.	623. E. F. 624. A—D.
Mr Dupuis,	D.P.	172. D—G. 173. A—C.	625. C—G. 626 A, B.
Mr Framboſier,	D.P.	173. D.	626. D, E.
Mr Auger,	D.P.	174. B—G. 175. A.	627. A—G. 628. A.
Copperplate of two pages of Michelle's livre d'Inſpecteur, at the end of the defender's proof,			
Copy from his livre du commiſſair,	D.P.	1050.	
Extract from the records of Police, of all the Engliſh and Iriſh there recorded, in July 1748,	D.P.	1036.	
Madam Michelle,	P.P.	111. F-G. 114. A. 115 I.	848. C, D. 851. C, D. 852. D.
Mr Michelle,	P.P.	120. K.	859. C.
Madam Blainville,	P.P.	125. K—131. C, D.	865. B, C. 871. D, E.
Mr Breval,	P.P.	135. E.	876. B, C.
Note from L. Jane's pocket-book, mentioned in Mr Brown's oath,	P.P.	391. G.	

Beſides the irregularities in this book, it is proved to be the practice in Paris, and of Michelle in particular, to write people's names in theſe Police-books, as enter'd, the day a perſon hires their rooms, tho' he does not enter for ſome days after—thus,

		PROOF.	TRANSLATION.
Madam Michelle,	P.P.	115. B. 119. B, C.	852. F. 857. C, D.
Mr Briell,	D.P.	178. A—C.	629. F, G. 630. A, B.
Madam Boſnet,	D.P.	178. D—F.	630. C—E.

And, in ſhort, it is notorious in France, that theſe books of hotel-keepers are never founded on as evidence.

ARTICLE XVII.

ARTICLE XVII. That it is part of the Police of Paris, to oblige all perſons who entertain ſtrangers, or who keep hotels, lodgings or furniſhed apartments to let, to inſert in a book called *livre des logeurs*, the names and country of all perſons who come to lodge in their houſes, as alſo the date of their entry: that theſe books are from time to time examined by the Inſpecteurs of Police, who are required to viſit ſuch hotels and lodging-houſes at leaſt once a-week. That theſe Inſpecteurs, and the Commiſſaires du Quartier, do ſend regularly a tranſcript of what, at their ſeveral ſurveys, they find contained in theſe books, to the office of Police, where the ſame is recorded in a book kept for that purpoſe.

ANSWER. The obligation, by the laws of Police, is to write the names of thoſe who lodge in their houſe in two different books. The Inſpecteurs, though they ought to viſit theſe houſes, ſometimes neglect to do ſo; and it appears from Michelle's book, that it was not viſited by the Inſpecteur, from the 12th of June to the 20th of Auguſt 1748. The name of Fluratl is neither in the Livre de Commiſſair, nor in the general record of Police; ſo that the book in queſtion diſproves every word of this article; and it is ſurpriſing that the purſuers ſhould have inſiſted ſo much on the regularity of the Police books, when the very book in queſtion, which they had often ſeen, was ſo full of irregularities.

ARTICLE XVIII. That the defender, when brought to Michelle's, was at leaſt ſix weeks old, and that Madam Blainville cauſed diſmiſs the nurſe.

ANSWER. There are none of the witneſſes examined who ſay the child was near ſix weeks old; and the purſuers will not *now*, it is believed, inſiſt on this, as they pretend to have diſcovered, ſince giving in their condeſcendence, that Sir John Stuart and Lady Jane were guilty of the *enlevement* of a child, who was born the 30th of June, only ten days before the defender's birth.

ARTICLE XIX. That Sir John, Lady Jane, and Mrs Hewit applied to Madam Michelle to recommend a nurſe, who accordingly recommended Madam Favre, the wife of a carpenter

carpenter living in the neighbourhood ; and that ſhe, after ſome days ſtay in the hotel D'Anjou, carried the child to her own houſe in the ſame ſtreet.

ANSWER. This article is admitted.

ARTICLE XX. XXI. The circumſtances mentioned in theſe two articles, as to Michelle's family being ignorant of ſome particulars relating to the birth, are no way material. Witneſſes examined at the diſtance of ſeventeen years, may eaſily be ſuppoſed to have forgot, or be miſtaken in trifling circumſtances, which did not intereſt them at the time.

ARTICLE XXII. That no man-midwife, phyſician, or ſurgeon, was ever ſeen to come either to the houſe of Godfroy, or of Michelle, on Lady Jane's account, during her whole reſidence in theſe houſes, nor was ſhe, during that reſidence, ever confined to bed by any diſeaſe or diſorder whatever; and that Madams Michelle, Blainville, and Favre, particularly remarked the flatneſs of Lady Jane's breaſts, and never ſaw her in a condition to ſuckle a child.

ANSWER. The whole of theſe people ſaw and obſerved Lady Jane's ſickly appearance when ſhe came to Michelle's, and all believed ſhe had been recently brought to bed.

Vide SUMMARY I. HEAD 11th.

ARTICLE XXIII. That during Lady Jane's ſtay at Michelle's, ſhe went to ſee Verſailles along with Madam Blainville, who obſerved the flatneſs of Lady Jane's breaſts; and at another time Madam Blainville went abroad with her to ſee the place Vendome, *&c.*

ANSWER. The defender does not believe what this witneſs has ſworn with reſpect to Verſailles. It is, 1*mo*, Contradicted by Mrs Hewit. 2*do*, Totally incredible that Lady Jane ſhould have made a companion of a common ſervant-woman, ſuch as Blainville. 3*tio*, This witneſs's teſtimony is contradicted by other witneſſes in many particulars. 1*ſt*, She ſays Sir John, *&c.* were eight days in Michelle's before

the child was brought to the houſe.——Michelle's family all ſwear, he was brought next day. 2*dly*, She ſays the child was given to La Favre that very night, and that ſhe ſaw her carry him home with her, and that Lady Jane viſited him in the nurſe's houſe.—— It is proved, on the contrary, that ſhe, Favre, remained four days at the hotel, and that, during this period Lady Jane went no where abroad. 3*dly*, She ſays no perſon viſited Sir John and Lady Jane during their ſtay in Michelle's—Madam Favre ſwears, that a gentleman viſited them there; and Madam Michelle has ſworn, that this Blainville told her at the time, that a phyſician or ſurgeon came to viſit them; beſides ſundry other contradictions. But, after all, as Lady Jane was brought to bed the 10th July, and Blainville does not pretend to have gone to Verſailles till the 27th of ſaid month; the fact may have been true, as it is not at all extraordinary for a woman ſo long brought to bed to go that far, in a country where the weather and the roads are ſo good, and the carriages ſo remarkably eaſy.

		PROOF.	TRANSLATION.
Mrs Hewit, - - - -	P. P.	253. K, L.	
Madam Michelle, - - -	P. P.	112. I, K.	849. G, H.
Mr Michelle, - -	P. P.	120. L.	859. D.
Madam Michelle, -	P. P.	113. G.	850. G.
Mr Michelle, - -	P. P.	121. F, G.	859. I. 860. A.
Madam Favre, - -	P. P.	138. B, C.	879. B, C.
Madam Michelle, -	P. P.	114. H.	852. A.
Madam Favre, - -	P. P.	140. F.	881. H.
Certificate that Madam Blainville left the hotel D'Anjou, and entered home to Madam Goury 29th July 1748, - -	D.P.	404.	722. A, B.

ARTICLE XXIV. That neither Sir John, Lady Jane, nor Mrs Hewit, when they brought the child to Michelle's houſe, or at any other time, ever mentioned or inſinuated to Mr Michelle or his wife, to Madam Blainville, or to Breval, that there was another child of the ſame birth; nor did they ever mention the place or time of Lady Jane's delivery, or the name of the perſon that delivered her.

ANSWER. Lady Jane, Sir John, and Mrs Hewit, had no ſort of connection with Mr or Madam Michelle, further than lodging

lodging in their houſe, and therefore had no occaſion to mention their other child to them. At the ſame time, they may have mentioned this circumſtance, which at the diſtance of ſeventeen years theſe witneſſes have r-got. It is proved, that the nurſe Favre heard of Lady Jane's having been delivered of twins.

		ROOF	TRANSLATION.
Madam Favre, - -	P. P.	41. F, G.	883. F, C.

ARTICLE XXV. That while at Michelle's, Sir John, Lady Jane, and Mrs Hewit lived in the moſt private manner; that they had their victuals from a traiteur in the neighbourhood: That the ſervant of this traiteur frequently carried the victuals to them, and ſerved them at table: That the ſaid traiteur and his ſervant lived in the neighbourhood of Madam Favre, and knew that ſhe was nurſe to the child.

This article requires no anſwer.

ARTICLE XXVI. That in the year 1748, there did not exiſt in the Fauxbourg St Germain, any perſon of the name of Madam la Brun, or le Brune, who kept either a hotel, lodging houſe, or chambers to lett, as will be proved by the regiſter kept at the office of Police, authenticated by the ſubſcription of the Lieutenant-general of Police of that year, by the books of Capitation, and by other evidence.

ANSWER. It was never ſaid that Madam le Brun, in whoſe houſe Lady Jane was brought to bed, kept any hotel, or chambres garnies, ſubject to the laws of Police, and therefore the production of the regiſter kept at the office of Police is of no conſequence. 2*do*, It is proved that there are people called *gardes malade* at Paris, who have houſes in which they receive women to be delivered, and who are not obliged to keep any regiſter whatever. 3*tio*, There were many people of the name of Le Brun, who, from the records of capitation, appear to have lived in the Fauxbourg St Germain, ſundry of whom are proved to have been *gardes malade*; though, from the number of years that have ſince intervened, it has become impoſſible to trace them. 4*to*, There are many people who are exempted from

from payment of the capitation, ſuch as the Swiſs, their wives, families, *&c.* Many others pay this tax under the general deſignation of journeymen tradeſmen, ſervants, *&c.* none of whoſe names are in the capitation rolls. *5to*, There are many people who, though they have no exemption from the capitation, nevertheleſs eſcape paying it.

		PROOF.	TRANSLATION.
Mr Figac ſurgeon,	D.P.	164. E—G.	616. G. 617. A, B.
Mr Lavaſſor ſurgeon,	D.P.	165. C—G.	617. E—G. 618. A, B.
Mr Fauchat ſurgeon,	D.P.	116. C—G.	618. E—G. 619. A—C.
Madam le Brun midwife,	D.P.	167. B—D.	619. F, G. 620. A.
Mr Menager ſurgeon,	D.P.	67. E—G.	527. D, E.
Madam Helie midwife,	D.P.	286. C—E.	706. D—F.
Extract from the capitation,	D.P.	From 306 to 308.	From 726. A. to 728. C.
M. de Beauville,	D.P.	116. F. 117. A.—G. 118. A—G. 119. A.	570. C—G. 571. A—G. 572. A—G. 573. A—E.
M. Maſſon de la Chroſſette,	D.P.	120. A—G. 121. A—G. 122. A—G. 123. A, B.	574. A—G. 575. A—G. 576. A—G. 577. A—C.
Mr Boyenvall,	D.P.	210. A—D.	632. B—E.
Mr Cozette,	D.P.	225. B—D.	648. C—E.
Mr de la Terrier,	D.P.	211. B—D.	634. D, E.
Mr Pigaſſe,	D.P.	112. B—D.	635. B—D.
Ditto,	D.P.	113. A—C.	636. A—E.
N. B. There are other witneſſes who prove, that very many perſons who, though lyable in, have eſcaped payment of the capitation.	D.P.	From 147. D. to 227. E.	From 637. E. to 650. E.

ARTICLE XXVII. That in the year 1748, there did not exiſt at Paris any phyſician, ſurgeon or man-midwife, either maitre en chirurgie, or privilegié, of the name of Pierre, Pier, or Peir La Marr, as will be proved by the books of the Society of St Coſme; in which books all the ſurgeons and man-midwives muſt neceſſarily be entered before they are permitted to practiſe. That, ſince the year 1748, no ſurgeon or man midwife of that name has been received into the body of ſurgeons of Paris, although one of a name ſomewhat ſimilar has been received, *viz.* Lewis Pier La Mart, who was received among the Privilegié in the year 1750. That this Lewis Pier La Mart was born at Montreuil in the year 1711: That he was never at Naples, or in any other part of Italy; and that he was never out of France after his marriage in the year 1747.

ANSWER. It is a fact now clearly eſtabliſhed, that there exiſted in Paris, in the year 1748, a ſurgeon, known by the

the name of Pier la Marr, or de la Mare, who practiſed midwifery, though not priviledged. It was never ſaid on the part of the defender, that the ſurgeon who aſſiſted in delivering Lady Jane had a licence or privilege. As to the name of la Mart, this was altogether a miſtake. It is fully proved by the certificate of his admiſſion at St Coſme, and by the record of his burial, as well as by the concurring teſtimonies of many witneſſes, that the name under which he was known, and under which he and all his family paſſed, was Marr, and not Mart.

Vide SUMMARY I. HEAD 10th.

		PROOF.	TRANSLATION.
Certificate from the records of St Coſme, - - -	D.P.	305. D, E. 723.	723. B,—D.

ARTICLE XXVIII. That the letters ſigned Pier, or Peir la Mare, produced in evidence to the inqueſt at the ſervice, could not have been written by a Frenchman, but are falſe, and were fabricated with a deſign to ſupport that impoſture which the purſuers now ſeek to detect.

ANSWER. The letters printed in the ſervice were never ſaid to be originals; nor were they produced or read as evidence in the ſervice. They appear to be copies made by an Engliſhman, who did not underſtand one word of the French language; and as they are moſt inaccurately tranſcribed, being full of blunders, and containing words which are neither French nor any other language, it is impoſſible they could have been intended to be uſed in ſupport of a fraud, otherwiſe the perſon who fabricated them would have made them better French. Sir John Stuart, if he ever read theſe copies, muſt have ſeen there were words in them which were of no language.

It is clearly proved that Mr la Marr did correſpond with Sir John Stuart, both at Rheims, and after his return to England.

		PROOF.	TRANSLATION.
Copperplate of Pier la Marr's letters,	Ser.		
Vide, Letters Sir John Stuart to Madam Andrieux,	D.P.	297. 298.	715. 716. 717.
Ditto to Chevalier Douglas,	D.P.	293. 294. 295.	712. 713.
Commiſſary Murray,	D.P.	412. A.	
Mr Rigg of Morton,	D.P.	411. A.	
Mr Hume of Gamelſhiels,	D.P.	411. F.	

As to La Marr's correſpondence with Sir John—*Vide* SUMMARY I. HEAD 13th.

ARTICLE XXIX. That in all the pariſhes of the Fauxbourg St Germain, records were kept in July and Auguſt 1748: That, by an ordonance of the King of France in the year 1736, all man-midwives are obliged to record every endoyment which they perform; yet in none of the records of baptiſm belonging to the pariſhes of the Fauxbourg St Germain, is there any baptiſm recorded in July or Auguſt 1748, of either of the children whereof it is pretended Lady Jane was delivered; and more particularly, that there is neither baptiſm nor endoyment of the youngeſt child, Sholto Thomas, marked in the records of any of theſe pariſhes.

ANSWER. It is the univerſal practice for the midwives and man-midwives at Paris to *endoyé* ſuch children as come into the world in a weakly condition; and if theſe children thus endoyed belong to parents of the Proteſtant religion, the parents may either carry ſuch children, if they live, to be re-baptiſed in the pariſh church where they were born, or not, as they pleaſe. If they do not incline to do ſo, no mention is ever made in the records of the pariſh, or in any other record, of ſuch child having been *endoyed*.

		PROOF.	TRANSLATION.
M. Levret,	P.P.	481. D—H.	1008. D—H.
Madam Pinot,	P.P.	217. C—F.	733. D—G.
Madam Jonet,	P.P.	479. A, B.	1006. B—D.

ARTICLE XXX. That while Sir John and Lady Jane were at Paris in July 1748, many other Britiſh ſubjects were there, and in the neighbourhood; that with ſome of them Sir John and Lady Jane had formerly lived in great intimacy, but that none of them were informed of the

the pretended delivery aforeſaid, till after Lady Jane and her family had left Paris.

ANSWER. The only perſons then in or about Paris, with whom Sir John and Lady Jane were particularly acquainted, ſeem to have been Sir William Stuart, Chevalier Johnſton, and Mr Stuart of Ardſhiel. Sir John did not know that Sir William was then in Paris, and there had been ſome difference between them at Aix-la-Chapelle, on account of Sir William's having refuſed to lend Sir John money. Chevalier Johnſton lived then in the country. It is proved that Mr Stuart of Ardſhiel ſaw and viſited them in Paris.

		PROOF.	TRANSLATION.
Sir William Stuart, - -	D.P.	161. E, F. 162. B—F.	
Chevalier Johnſton, - -	P. P.	53. G—K. 54. E—G.	805. B—E. 806. C, E.
Principal Gordon, - - -	P. P.	26. A—D.	
Mr Riddoch, - - -	P. P.	57. H—K.	
Mrs Stuart of Ardſhiel, - -	D.P.	391. E—G. 392. A—G. 393. A, B.	

ARTICLES XXXI, XXXII, & XXXIII. Mention only Sir John and Lady Jane's departure from Paris, and their arrival at Damartine; the death of Madam Favre's child there; that Sir John and Lady Jane remained ſome time at Damartine, where Lady Jane was not confined to her bed by any indiſpoſition.

ANSWER. The defender admits, that ſoon after the beginning of Auguſt, Mr Stuart, Lady Jane, Mrs Hewit, the defender, and his nurſe Favre, went to Damartine, where they ſtaid ſome time, and that Madam Favre's child died there: but it is proved that Lady Jane had there the appearance of a woman recovering out of ſome diſorder, and that ſhe recovered ſtrength at that place.

Vide SUMMARY I. HEAD 11th.

ARTICLE XXXIV. That on the 8th Auguſt 1748, Sir John went from Damartine to Paris; that he lodged in Godfroy's for ſeveral days; that he did not inform Godfroy or his wife, that Lady Jane had been brought to bed, or that he had left a child at Paris; that Breval, Michelle's ſon-in-law, delivered him a wig at this time, and

and that, upon the 12th Auguſt, Sir John paid his bill at Godfroy's, and preſently returned to Damartine.

ANSWER. The defender admits that Sir John returned from Damartine to Paris on the 8th of Auguſt, in order to ſee his child Sholto.—The reſt of the article is immaterial.

		PROOF.	TRANSLATION.
Letter by Mrs Hewit to Iſobel Walker,	Ser.	35. G. 36. A—D.	
Depoſition by Sir John Stuart,	P. P.	247. H.	
Depoſition by Mrs Hewit, -	P. P.	255. L.	

ARTICLES XXXV. & XXXVI. Mention that Sir John and Lady Jane engaged another nurſe at Damartine for the defender, whoſe child they put out to nurſe at their own expence at Damartine; and that Madam Favre remained at Damartine during the whole time that Sir John and Lady Jane ſtaid there.

ANSWER. Theſe articles have no meaning.

ARTICLE XXXVII. That ſoon after Sir John's return to Damartine, he, Lady Jane, Mrs Hewit, the defender, and his nurſe ſet out for Rheims, where they arrived the 16th Auguſt, N. S. when they took up their abode in the houſe of Madam Mayette.

ANSWER. Admitted.

ARTICLES XXXVIII. & XXXIX. That Lady Jane and Sir John, ſoon after their return to Rheims, became acquainted with Mr and Madam Mailfere, people of conſiderable rank at Rheims: that Madam Mailfere had an opportunity of ſeeing the child, who then appeared to be about three months old; and that neither Mr nor Madam Mailferes, Madam Mayette, nor the family of Mr Andrieux, were informed by them what was the name of the man-midwife, or in what houſe the delivery had happened.

ANSWER. Madam Mailfere has depoſed, that the child appeared to her to be only about ſix weeks, or two months old. It would have been ridiculous in Mr Stuart or Lady Jane to have told every Perſon

ſon with whom they had occaſion to converſe, in what houſe, and by whom Lady Jane was brought to bed: they uniformly told, ſhe had been delivered at Paris of twins, and that one of theſe twins had been left there, which was a particular enough account; and the witneſſes themſelves have depoſed, that it would have been impertinent in them to have aſked more, unleſs they had had ſuſpicions, which they ſay they never had.

		PROOF.	TRANSLATION.
Madam Mailfere, - -	D.P.	147. F. 150. B.	603. A. 605. D.
Madam Mayette, - -	D.P.	61. C, D.	520. E.

Madam Andrieux died before the commencement of this proceſs; and Mr Andrieux, her huſband, died before any commiſſions were iſſued for examining witneſſes.

ARTICLE XL. Mentioning Miſs Sautré the mantuamaker's ſurpriſe at ſeeing the defender, as ſhe had not obſerved Lady Jane to be with child before ſhe left Rheims.

ANSWER. This is a repetition of article 6th, to which the ſame anſwer is made.

ARTICLE XLI. That Miſs Sautré at this time, (*i. e.* when Lady Jane lived in Madam Mayette's), had alſo occaſion to adjuſt a gown for Lady Jane, and made uſe of the ſame meaſure that ſhe had done before Lady Jane ſet out for Paris.

ANSWER. There is not the leaſt proof of this article, or that Miſs Sautré took any meaſure of Lady Jane, either before ſhe went to Paris or ſince.

ARTICLE XLII. That upon the 22d September 1748, the defender was baptiſed at Rheims, in a public and ſplendid manner; but neither the godfathers nor godmothers, nor thoſe who aſſiſted at the ceremony of baptiſm, had

 been

been at Paris the time of the ſuppoſed delivery, or while Sir John and Lady Jane reſided at Paris in 1748, nor had they any acceſs to know the truth of the delivery otherwiſe than by the report of Sir John, Lady Jane, and Mrs Hewit; the act of baptiſm is defective and irregular in ſeveral of its moſt eſſential parts, and eſpecially in ſo far as it does not ſpecify either the place or date of the birth of the child; both which particulars, by the expreſs ordinances and cuſtoms of the kingdom of France, ought to have been therein ſpecified.

ANSWER. It is not requiſite by the laws and cuſtoms of France, or of any other country, for the godfather or godmother to be preſent at the birth of the child to which they ſtand godfather or godmother. The defender's act of baptiſm is in the preciſe ſame terms with thoſe of all the other children baptiſed in Rheims, as appears from the depoſition of Mr Savar, prieſt, and from the extracts of many other childrens' baptiſms, taken from the ſame record.

		PROOF.	TRANSLATION.
Mr Savar, - - -	D.P.	157. E—G.	613. A—C.
Extract of baptiſms from the record of St Jacques at Rheims,	D.P.	310. B—F. 311. A—D.	724. C—G. 725. A—C.

ARTICLE XLIII. That, ſome time after the defender's baptiſm, Lady Jane kept her chamber for a few days: That Sir John inſinuated to Madam Mailfere his apprehenſions of a miſcarriage; but Madam Mailfere, who was in the courſe of ſeeing Lady Jane often, did not give credit to theſe inſinuations: That ſhe went and viſited Lady Jane during theſe few days that ſhe kept her chamber, and was perſuaded, from the obſervations ſhe made, that there were no ſymptoms about Lady Jane, either of pregnancy or miſcarriage; neither did Lady Jane ſay or inſinuate to Madam Mailfere, that ſhe had had ſuch miſcarriage; nor did Madam Mailfere ever hear of any ſurgeon or midwife having been called to Lady Jane during this indiſpoſition, whether real or affected.

ANSWER. Madam Mailfere has ſaid upon oath the direct contrary of what is ſet forth in this article. She was told of the miſcarriage

miſcarriage by Sir John; ſhe viſited Lady Jane herſelf, and had no doubt of the fact. And it is clearly proved that Lady Jane had this miſcarriage at Rheims.

Vide SUMMARY I. HEAD 14th.

ARTICLE XLIV. That, in November 1749, Sir John and Lady Jane, accompanied by Mrs Hewit, went from Rheims to Paris, under pretext of bringing from thence the defender's twin brother: That upon their arrival at Paris, they put up at a lodging houſe, under the deſignation of Colonel Stuart, a Scotchman, and his wife, and were in that houſe on the 19th November 1749.

ANSWER. This is diſproved; and it is *now* acknowledged, by the agent for the purſuer, to have been a miſtake; the Colonel Stuart above mentioned having been Mr Stuart of Ardſhiel and his lady.

		PROOF.	TRANSLATION.
Mr Ruddoch, - -	D.P.	274.	695.
Mrs Stuart of Ardſhiel, - -	D.P.	390. A—G.	
Acknowledgement by Mr Stuart,	D.P.	275. E. 276. A—G.	

ARTICLES XLV, XLVI, XLVII, XLVIII, XLIX, L, LI, LII, LIII, and LIV. Set forth, in ſubſtance, that Sir John Stuart, Lady Jane and Mrs Hewit, on leaving the above lodging houſe, (*where by the bye they never were*), put up at another houſe kept by one Selle, a widow, *a la croix de fer*, *rue* St Denis: That Sir John paſſed here by the name of Duverné, an Iriſhman, Lady Jane as his wife, and Mrs Hewit as his ſiſter; and that they were entered under theſe deſignations as lodged in this houſe on the 21ſt November 1749, as appears from the regiſters of Police: That Sir John applied to the Curé of St Laurent for a liſt of the poor people in this pariſh, who had numerous families, which he refuſed: That next day, or ſoon after, he applied to the Siſters of Charity, and obtained a liſt of poor families: That he went, accompanied by a woman he found for that purpoſe, to ſundry houſes, enquiring for children: That he came at laſt to the houſe of a poor man, who had eight or nine children, where he fixed his eyes on one of the youngeſt, a boy of a fair complection; and upon being informed that he was born in the year 1748, he made choice of him, and requeſted the parents

rents to give him to a lady who he pretended was very charitable; to which requeſt the parents made little oppoſition. That next day Sir John returned to the ſame houſe, when the parents complied with his requeſt, to whom he gave ſome money, in order to purchaſe ſome neceſſaries for the boy: That the father and mother carried the child to the houſe where Sir John lodged next day, where they left him, and the day following returned to ſee him, when Sir John told them his name was Duverné, a gentleman of Ireland, and that he generally reſided at St Germain *en laye*, in the neighbourhood of Paris: That, however, the father and mother returned the day following, being uneaſy about their child, but were told that the ſtrangers had ſet out that morning with the child: That the father went a few days after to St Germain, in queſt of Mr Duverne and his child, and thereafter went to Rouen, Havre de Grace, Dieppe, and other ſea ports, in ſearch of theſe ſtrangers, to as little purpoſe. That ſoon after this, the father related the ſtory to the Curé of St Laurent, who applied to the Lieutenant-general of Police, to procure his aid in order to diſcover the ſtrangers who had taken away the child.

ANSWER. 1*mo*, There is not the ſmalleſt evidence that Sir John Stuart, Lady Jane, and Mrs Hewit were the perſons who lodged at the Croix de fer, under the name of Duverné. 2*do*, The deſcriptions given of the perſons living at the Croix de fer, are totally different from thoſe of Sir John, Lady Jane, and Mrs Hewit; Both the women who attended Duverné at the Croix de fer ſpoke French, which it is certain Mrs Hewit never did. 3*tio*, The child given away by Sanry was almoſt four months older than the defender, being baptiſed the 19th March 1748. 4*to*, By the account which the purſuers themſelves have given of this enlevement, it could not have happened ſooner than the 26th November, nor be compleated before the 28th, when they ſay Duverné left the Croix de fer. Now it is clearly in proof, that Sir John Stuart and his family left Rheims on the 29th, on their way to England; and that they had been at Rheims eight or

ten

ten days after returning from Paris, and before they ſet out for England, and therefore could not poſſibly be concerned in this enlevement: But, *6to*, It appears from the records of Police, lately diſcovered, that this enlevement could not have happened till the end of December 1749, or beginning of January 1750; at which time Sir John Stewart, Lady Jane, and Mrs Hewit were in England.

	PROOF.	TRANSLATION.
Deſcription of the perſons by whom Sanry's child was carried off, and of the child itſelf.----Both the women who were with Duverné underſtood and ſpoke the French language.		
Madam le Gris, - -	P. P. 276. A—H. 277. C—H.	779. A—G. 780. E—I.
Madam Dumeſnil, - -	P. P. 282. H—L. 283. A—G.	786. F—I. 787. A—D.
Mr Dumeſnil, - -	P. P. 285. K, L. 286. A—E.	790. E—I.
Madam Sanry, - - -	P. P. 291. A—L. 292. F—I. 293. A—D.	796. C—I. 797. A—E. 798. C—I.
Sanry, - - - - -	P. P. 295. H—L. 296. A—C.	802. A—H.
Extract of the baptiſm of Joſeph Sanry, dated 19th March 1748, in proceſs.		
A particular deſcription of Sir John, Lady Jane, and Mrs Hewit, to be afterwards ſtated under the article about Mignon.		
Deſcription of the defender's twin-brother Sholto, when carried to Rheims in November 1749, and that he could not then, or for ſome time after, ſpeak. *Vide* SUMMARY I. HEAD 16.		
That Mr Stuart and is family ſet out from Rheims for England, on the 29th November, and had been eight or ten days at Rheims before ſetting out, be-		

sides some days on the road between Paris and Rheims, consequently must have left Paris about the 16th or 17th.

		PROOF.	TRANSLATION.
Mrs Hewit,	P. P.	257. C—L. 258. H—L.	
Mrs Glass,	P. P.	51. A—G.	
Sir John Stewart,	P. P.	250. D—H.	
Abbe Oeneil	P. P.	261. F—L.	762. H, I. 763. A—C.
Madam Mailfere,	D.P.	148. D.	603. F.
Madam Mayette,	D.P.	59. F.	519. A.
Excerpt letter by Mr Andrew Stuart to Mr M'Connochie, dated 13th February 1765, admitting that Sir John Stuart's departure from Rheims for England, was established to have been 29th November 1749,	D.P.	1036.	

That Sanry's child was not carried off from Paris, till the end of December 1749, or beginning of January 1750; before which time, Sir John with his two children were in England.

		PROOF.	TRANSLATION.
M. Hochie de la Terrie, secretary to the Lieutenant-general of Police,	P. P.	272. L. 273. A—L. 274. A—L.	775. A—I. 776. A—I. 777. A—F.
M. D'Haincourt,	D.P.	270. E, F. 271. A—C.	691. F, G. 692. A—E.
Sanry,	P. P.	295. A—C.	801. D—F.
Madam Sanry,	P. P.	291. G—K.	797. B—E.
Mr Goube,	D.P.	271. E. 272. A—C.	692. G. 693. A—D.
Madam Goube,	D.P.	272. D—G.	693. E—G.
The Curé de St Laurent,	P. P.	270. G—L. 271. A.	772. G—I. 773. A—E.
Ditto,	D.P.	268. B, C.	689. D, E.
Excerpt from Mr Andrew Stuart's journal of conversations with Curés,	D.P.	1032. E--G. 1033. A--E. 1034. A—B.	

If it should be argued, that this child was carried off in November 1749, because Duverné, his wife and sister, are marked in the records of Police, as lodged at the Croix de fer, the 21st Nov. 1749;

and the Aubergiſte and her two ſervants have ſworn that they only remained there a few days;——It is anſwered, 1*mo*, That the entry upon the 21ſt November 1749 is of no conſequence, becauſe Duverné may have taken his lodgings, and been wrote in the Police-books long before he came to poſſeſs the lodgings. 2*do*, He may have lodged ſix weeks or two months at this place, though the Aubergiſte and her two ſervants have, at the diſtance of ſixteen or ſeventeen years, ſaid that he only remained ſix or ſeven days. But, 3*tio*, Even this entry of the 21ſt November 1749, will not avail the purſuers, becauſe it appears from the teſtimonies of the whole witneſſes, that ſuppoſing Duverné to have entered to the Croix de fer the 21ſt November 1749, he remained there till the 28th of that month, long before which time, Sir John was living with his two children at Rheims.

		PROOF.	TRANSLATION.
The Curé de St Laurent, -	P. P.	270. A—F.	771. I. 772. A—F.
Madam Samry, - -	P. P.	290. F—L. 291. A—K.	795. F—I. 796. A—I.
Samry, - - - -	P. P.	294. A—L.	797. A—E. 800. A—I. 801. A, B.

If

If it ſhould be argued, that Sir John Stuart, Lady Jane, and Mrs Hewit, aſſumed the name of Duverné, becauſe they are not recorded at the regiſter of Police under their own names, and they have not been able to condeſcend on the place that they lodged in at this time; it is anſwered, That Lady Jane, Sir John, and Mrs Hewit ſtaid only a few days in Paris at this time; and it is common for people to live at Paris much longer, without being recorded at the Police. Thus, from Godfroy's livre du depenſe in proceſs it appears, that many people lodged in his houſe, whoſe names are not in his livre d'inſpecteur, conſequently could not be recorded at the Police.—Sir John Stuart is ſaid to have lodged in his houſe for ſeveral days in Auguſt 1748, and yet is not recorded there: Mr M'Leod, and ſundry other witneſſes examined in this cauſe, have lodged in hotels without being in any police book; and it is not ſurpriſing that Sir John Stuart, or Mrs Hewit, at the diſtance of ſixteen or ſeventeen

years

years, ſhould have forgot the name or ſituation of a houſe in Paris, where they lived for a very few days, and with which they had no further connection.

		PROOF.	TRANSLATION.
Godfroy's livre du depenſe 1748, in proceſs, - -			
His livre d'inſpecteur alſo in proceſs, - -			
Mr M'Leod, - -	D.P.	176. B—G. 177. A, B.	
Mr Hay, - -	D.P.	450. B, C.	
Mr Hepburn of Keith, -	P. P.	338. F.	
Mrs Hepburn of Keith, -	P. P.	340 L. 341. A—D.	
Doctor Briſbane, - -	D.P.	383. E, F.	

ARTICLES LV. LVI, LVII, LVIII, and LIX. Mention, in ſubſtance, that Sir John Stuart in the year 1756, gave a note to Mrs Napier, aſcertaining Michelle's to have been the houſe in which Lady Jane was brought to bed, which note ſhe ſent to Sir James Stuart at Spa, and by him it was tranſmitted to Principal Gordon at Paris, in conſequence of which inquiries were then made.

ANSWER. Michelle's houſe was never given out as the place where Lady Jane was brought to bed; the note given to Mrs Napier, in which Michelle's was mentioned, was very ſoon explained and corrected; and Madam le Brun's is mentioned in another note of Sir John's hand-writing, given by him to Mrs Napier, and produced by Mr Brown, and likewiſe in a note wrote by Mrs Napier at the time.

		PROOF.	TRANSLATION.
Note wrote and produced by Mrs Napier, - -	P. P.	9. B.	
Depoſition Mrs Napier, -	P. P.	9. G-L. 10. A-L. 11. A-C.	
Note of Sir John's hand-writing relative to the birth of the children, produced by Mr Brown, - - - - -	P. P.	17. C—H.	
Depoſition Mr Charles Brown, -	P. P.	19. G—K.	
Ditto Mr Loch, - -	Ser.	25. B, C.	

ARTICLE LX. That the truth of Lady Jane's delivery, and the defender being the ſon of Lady Jane and Sir John, was much ſuſpected, both at Paris and at Rheims, and in Britain,

 and

and *that* recently after the firſt report of Lady Jane's delivery; and particularly it was much ſuſpected at Paris by ſeveral Britiſh perſons reſiding there in the years 1748 and 1749.

ANSWER. It is not true, and the purſuers have not brought the ſmalleſt proof, that the reality of Lady Jane's delivery was ſuſpected either at Paris, Rheims, or any where elſe abroad; on the contrary, many witneſſes, both French and Britiſh, with whom Lady Jane was acquainted in France, have depoſed, that they never had the leaſt doubt themſelves of Lady Jane's delivery, or heard any other perſon ſuſpect it. It was only in Scotland, where the fact could not poſſibly be known, that reports were raiſed to the prejudice of Lady Jane, they were not only propagated in the moſt ſcandalous manner, by thoſe who had ſchemes on the Duke of Douglas's ſucceſſion, but ſupported by downright calumny and falſehood. Thus it was given out to the world, that the Duke of Douglas had received letters from a French Count of his own name, informing him, that Lady Jane had bought her children out of an hoſpital in Paris.----It is now in proof, that one French Count of that name died in April 1748, four months before Lady Jane's delivery; and there are letters in proceſs from the only other Count Douglas, declaring, that he had never wrote to the Duke on that or any other ſubject. The Duke of Douglas was told, that Margaret Kerr, who was ſervant to Lady Jane before ſhe went abroad, had aſſerted, that a marble table would as ſoon become pregnant as Lady Jane; the falſehood of this ſtory is proved by Margaret Kerr's own oath. He was alſo told, and even wrote to by Lord Dundonald, that Lady Jane having made a viſit to Lady Stair with her children, Lady Stair had diſcovered their being impoſtures, by looking at their teeth, and from thence obſerving a difference in their ages. Theſe cruel and falſe aſſertions had the deſired effect: the Duke obſtinately refuſed to ſee his ſiſter, and ſhe fell a ſacrifice to the malice and avarice of her enemies, leaving the defender in the moſt helpleſs and deſtitute ſtate.-----Some time after Lady Jane's death, and after the Duke's marriage with the preſent Ducheſs of Douglas, the Duke was ſatisfied, from Lady Stair's own mouth, of the

the falſehood of the diſcovery pretended to have been made by her; and, by living more in the world than he had formerly done, he had opportunities of being undeceived as to the calumnies which had been propagated of his ſiſter. He ſaw and examined thoſe who had beſt occaſion to know the real ſtate of facts; he became convinced of the injuſtice which had been done to her; regreted the treatment ſhe had met with; and, with his laſt breath, accuſed Mr Archibald Stuart, one of the Duke of Hamilton's tutors, Mr Stuart's ſon-in-law, Lord Dundonald, and his own late factor, Mr White of Stockbridge, as the authors of the injurious reports which had been raiſed, and which he had believed to the prejudice of his ſiſter.

That the pretended ſuſpicions were never heard of in France.		PROOF.	TRANSLATION.
Lieutenant M'Kenzie, -	D.P.	54. A, B.	
General M'Lean, - -	D.P.	364. C.	
Madam Mailfere at Rheims, -	D.P.	148. E.	603. G.
Mr Mailfere, - -	D.P.	151. G. 152. A.	607. C.
Mr Andrieux at Rheims, -	D.P.	64. F.	524. C.
Madam Mayette, - -	D.P.	59. D.	518. E.
Baron M'Ellicot, -	D.P.	350. E.	
Miſs Primroſe, - - -	D.P.	359. G.	
Mrs Hepburn of Keith, -	Ser.	9. E, F.	
Mr Gordon of Coubardie, -	D.P.	375. G. 376. A—D.	
Mr Byres of Tonley, - -	D.P.	378. E—G. 379. A.	
Mr Fularton of Dudwick, -	D.P.	381. C.	
Doctor Briſbane, - - -	D.P.	383. C	
Mr Graham of Garvock, -	D.P.	362. E.	
Chevalier Douglas, (till after Lady Jane had gone to Britain),	D.P.	42. E, F.	504. E, F.
Madam Tewis at Aix, - -	D.P.	9. C.	479. B.
M. Abbé Tewis, - - -	D.P.	24. D, E.	495. C.
Beſides theſe there are many other witneſſes who have depoſed in the ſame terms.			
As to the ſuſpicions raiſed in Britain, and the authors of them.			
Mr Stewart M'Kenzie, - -	P. P.	377. B, C.	
William Greenſhields memorandum,	D.P.	897. 898.	
Walter Colvil, - - -	P. P.	298. I, K.	
Mr Douglas of Edrington, -	P. P.	373. D. to 374. B.	
Earl of Dundonald's letter to the Duke of Douglas, -	D.P.	417 E.	
Mrs Hepburn, - -	D.P.	425. E. to 428. E.	
The Dutcheſs of Douglas, -	P. P.	352. 353.	
Mr Archibald Stuart, -	D.P.	443. A to C.	
Mr Loch, - -	Ser.	25. A—C. 26. A, B.	
Ditto, - - -	D.P.	413. E. to 414. G.	
Letter ditto to Mrs Hewit, -	D.P.	885. F. to 886. D.	
Letter Sir John Stewart to Mr Loch,	Ser.	43.	

		PROOF.	TRANSLATION.
Sir John Stewart of Caſtlemilk,	D.P.	414. G. to 417. B.	
Miſs Pait Crawfurd, -	D.P.	419. E. to 420. F.	
Mr Hamilton of Overton, -	P. P.	306. B. to 309. E. 311. A.	
Dutcheſs of Hamilton, -	D.P.	424. D.	
Mr Hamilton of Muirhouſe, -	D.P.	422.	
Thomas Foreſt, - -	P. P.	314. D. to 315. E.	
Lord Cathcart, - -	P. P.	84. 85.	
John Anderſon, - -	P. P.	317. G. to L. 319. H.	
Mrs Stewart, - - -	D.P.	435. D, E.	
That the ſtory laid in Margaret Ker's name was falſe.			
Margaret Kerr, - -	P. P.	46. H. 47.	
That the pretended letter from Count Douglas, was a falſehood.			
Chevalier Douglas, - - -	D.P.	40. C. to 41. D.	502. C. to 503. D.
Letter ditto to Sir John, - -	D.P.	289.	709.
Letter Count Douglas to Chevalier Douglas, - -	D.P.	292. D.	712. A.
Letter Count Douglas to Lady Jane,	D.P.	290. A.	710.
Ditto to the Duke of Douglas, -	D.P.	290. E.	710.
Extrait Mortuaire of Count Douglas,	D.P.	293. A—C.	714. F, G.
As to the Duke's inquiries at Mrs Hewit, Mrs Glaſs, &c, and the concern he was in, during his laſt illneſs, for the treatment Lady Jane had met with.			
Mrs Glaſs, - - -	D.P.	370. F.	
Mrs Hepburn of Keith, -	P. P.	341. E—G.	
Mr Loch, - - -	D.P.	412. B. to 413. D.	
Mrs Hepburn, - -	D.P.	428. G. to 431. D.	
Mrs Stuart, - -	D.P.	435. F. 436. E. 438. B, C.	
WilliamGreenſhields'memorandum,	D.P.	897. 898.	
Robert Pate, - -	D.P.	440. B, C.	
Mrs Greenſhields, - -	D.P.	442. D. to F.	
John Liddel, - -	P. P.	336. E. to G.	
William Howieſon, - -	P. P.	330. H—L. 321. H, I.	

ARTICLE LXI. That Sir John, Lady Jane, and their ſervants were early appriſed of thoſe ſuſpicions, and *that* even before they left Rheims in the year 1749: That Sir John and Lady Jane did make an attempt in form of a requiſition, in Auguſt 1750, with the view of procuring ſome evi-

dence

dence at Aix-la-Chapelle of Lady Jane having been with child there, and that they obtained the declarations of ſome perſons at Aix-la-Chapelle to be taken before a notary, touching that matter; but although often adviſed to do it, they never did attempt to obtain any evidence of the actual delivery, except by the falſe and fabricated letters of the pretended Pier la Marr.

ANSWER. Lady Jane and Sir John knew that the children were theirs, and they acknowledged them as ſuch; they knew that no perſon abroad, in the countries where they had reſided, and where the children were born, entertained any ſuſpicion; and that the doubts which had been raiſed in Scotland, by deſigning, intereſted perſons, were ſuch as could meet with no credit or regard. Few perſons preſumed to hint or ſpeak to them of ſuch ſuſpicions. After they came to England, hearing ſomething of them, and that it was ſaid Lady Jane had never been with child, ſhe wrote, in April 1750, to Madam Tewis at Aix, a woman of character, who well knew the truth of the pregnancy, as ſhe had occaſion to obſerve the progreſs of it for the firſt ſeven months, and who accordingly gave a declaration of the fact atteſted by notaries, according to the form practiſed in Germany. This declaration was not tranſmitted to Britain till after the death of Lady Jane. And as it appears, that upon coming to Scotland, Lady Jane was adviſed that ſuch proofs were unneceſſary and unuſual, this might probably hinder her from writing to France for ſuch declarations. At the ſame time, it is poſſible ſhe may have wrote to France, though it cannot now be diſcovered whether ſhe received any anſwers, or what they were.

		PROOF.	TRANSLATION.
Letter Sir John Stewart to Mr Loch,	Ser.	43.	
Mrs Herbert's letter, - -	D.P.	1006.	
Mrs Napier, - - - -	P.P.	11. F—H.	
Mrs Glas, - - - -	D.P.	370. D—F.	

As to La Marr's letters—*Vide* SUMMARY I. HEAD 13th.

After the proof had gone out, an additional condeſcendence was ſerved upon the defender's agent by the purſuers, ſignifying, that one Mignon, a glaſs-grinder in Paris, had, in the year 1748, given away a child to ſome perſons unknown, which perſons they pretended to ſay were Sir John Stuart, Lady

Jane, and Mrs Hewit,—and a variety of witneſſes have been examined concerning this fact.—The particulars of this additional condeſcendence are to be ſeen near the end of the defender's proof.

Anſwered.—That Mignon may have given away or loſt a child, the defender has no occaſion to diſpute, as the purſuers have not brought the ſmalleſt proof that this child was given either to Sir John, Lady Jane, or Mrs Hewit. On the contrary, it is clearly proved by the purſuer's own witneſſes, that this child was given to perſons quite different in number, figure, age, *&c.* from Sir John, Lady Jane, and Mrs Hewit. It is alſo proved that Mignon's child had no ſort of reſemblance either in looks, dreſs, or any other circumſtance, to the defender; and that the father and mother of this child are guilty of manifeſt wilfull perjury, and of attempting to ſubborn others. From ſundry paſſages alſo of the proof, it would appear that Mignon's child was not taken away till after July 1748.

Deſcription of the perſons to whom the child was given, and the appearance of the child itſelf, who was fair, had very blue eyes, and had a rich dreſs put on him by the perſons who carried him off.

		PROOF.	TRANSLATION.
Madam Bourjois, - -	P. P.	202. D—H. 203. F—H.	715. G—I. 716. A, B. 717. A, C.
Madam Dumont, - -	P. P.	205. B, C.	719. B, C.
Madam Somet, - -	P. P.	206. A, B. 206. I.	720. B, C. 720. I.
Madam Mignon, - -	P. P.	226. D—H. 229. G—K. 231. C—I.	742. G—I. 743. A, B. 746. E—I. 748. D—I.
Mr Mignon, - - -	P. P.	235. H—L. 236. F—L.	753. G—I. 754. G, H. 755. B—D.

Deſcription of Mr Stuart, Lady Jane, Mrs Hewit, and the defender, depoſed to by Michelle, *&c.* and that the Defender's dreſs was plain.

		PROOF.	TRANSLATION.
Madam Michelle, - -	P. P.	112. A—D. 116. B—E.	848. I. 849. A, B. 853. F—I.
Mr Michelle, - -	P. P.	120. D—G.	858. F—I.
Madam Blainville, - -	P. P.	128. L. 129. A—G.	868. H, I. 869. A—E.
Brevall, - - -	P. P.	135. G—L.	876. E—I.
Madam Favre, - -	P. P.	140. G, H.	881. I. 882. A, B.

Colour

Colour of the defender's eyes from his birth was black, and his complection dark.

		PROOF.	TRANSLATION.
Madam Mailfere, - -	D.P.	147. F.	603. B.
Mr Mailfere, - -	D.P.	151. E.	607. A.
Madam Mangin the nurſe, -	D.P.	141. C.	596. C.
Mrs Glaſs, - -	D.P.	366. F.	
Mr John Murray, - -	D.P.	410. D.	
Mrs Smith, - - -	D.P.	406. E.	
Memoire à conſulter for the purſuers, Nov. 1762. - -	D.P.	1027. E—G.	742.
Ditto, Dec. 1762. - -	D.P.	1029. C.	744.
Plainte, - - -	D.P.	1016.	731.

Mignon and his wife guilty of perjury and ſubornation.

		PROOF.	TRANSLATION.
The Curé of St Marguerite, -	D.P.	227. G. 228. A—G.	650. G. 651. A—D.
Mr Loret exempt de Robe Court,			
Mr Sally, - - -			
Madam Sally, - -			
Madam Popſelle, -			
Mr Popſelle, - -			
Mr Fillieu, - -			
Mr De la Rue, - -	D.P.	from 230. E. to 259. C.	from 653. D. to 681. A.
Mr la Vallie, - -			
Mr Phillipeaux, - -			
Mr De la Haye, - -			
Francois Hubert, - -			
Madam Hubert, - -			

As to the period of the enlevement of Mignon's child.

		PROOF.	TRANSLATION.
John Varrin, - - -	D.P.	260. A, B.	681. F.
Francois Varrin, - -	D.P.	261. C.	682. G.
Madam Jambon, - -	D.P.	262. B.	683. E.
Extract of a maſs ſaid at the hoſpital de St Eſprit, 10th March 1749,	D.P.	300. A.	719. A.
Madam Pinot, - - -	P. P.	215. H,—L.	731. F—H.
Act of reception of Madam Pinot as a midwife, - -	D.P.	1054, 1055, 1056, 1057.	

Enlevements of children are not unfrequent in Paris, and children are every day loſt or abandoned, or put into the Hoſpital des Enfants Trouvé.

		PROOF.	TRANSLATION.
Madam Foret,	D.P.	281 B.—G.	700. E—F. 701. A—D.
Madam Martin,	D.P.	277. D—G. 278. A—C.	696. D—G. 697. A—C.
Madam Aubin,	D.P.	278. G. 279. A-G. 280. A.	698. A—G. 699. A—D.
Madam Clauvé,	D.P.	284. B.—D.	704. A—C.
Madam Denel,	D.P.	284. F. 285. A—E.	704. E—G. 705. A—E.
Madam Helie,	D.P.	286. A—C.	706. A—C.
Mr Hombron,	D.P.	286. G. 287. A—G.	707. A—G. 708. A, B.
Mr Hyacinth,	D.P.	280. C—G.	699. E—F. 700. A, B.
Mr Dupré,	D.P.	283. E—G.	703. C—E.
Mr de la Hay,	D.P.	255. C.	676. G.
Certificate from the regiſter des Enfans Trouvé,	D.P.	309.	729.

Some letters have lately been recovered by the purſuers, which appear to have been wrote by Sir John Stuart while at Paris, in July 1748, and yet are dated from Rheims; and they alſo found on a copy of a letter ſaid to have been wrote by Lady Jane to her brother, in Auguſt 1748, when at Damartine, and which is alſo dated from Rheims; one of the heads therefore prefixed to their proof is in theſe words:

HEAD IV. Letters from Lady Jane and Sir John, giving an account of Lady Jane's delivery, all dated from Rheims, implying that ſhe was there delivered, and concealing her journey to Paris and depoſitions concerning other accounts of it.

ANSWER 1*ſt*, Neither Lady Jane, Sir John, nor Mrs Hewit ever ſaid that Lady Jane was delivered at Rheims; on the contrary, her being delivered at Paris, and one of the children being left there from July 1748 to November 1749, was well known to all their acquaintance at Rheims, and to all the Britiſh who had occaſion to ſee them, during their ſtay there; among whom were Lady Wigton, godmother of the defender, Lord Blantyre, and Baron M'Ellicot godfathers to the defender, Miſs Primroſe, Mr Hay, who travelled from Rheims to Paris with Sir John, in October 1748, Meſſ. M'Lean and M'Kenzie, and many others. 2*dly*, They wrote to ſeveral of their acquaintance in Scotland, that Lady Jane had been delivered at Paris; and Lady Jane even drew bills on Meſſ. Coutts at Edinburgh, dated from Paris, which ſhows that ſhe had no deſign to conceal her being there.

		PROOF.	TRANSLATION.
General M'Lean,	D.P.	363. F, G. 364. A.	
Mrs Greig,	P. P.	342. G—K. 344. A, B.	
Mr Andrieux,	D.P.	64. C.	523. E.
Madam Mayette,	D.P.	58. D.	517. D.
Madam Mailfere,	D.P.	149. F.	603. D.
Bill by Lady Jane Douglas on Mr Coutts, dated Paris, 8th Auguſt 1748,	D.P.	997.	729.
Letter Sir John Stewart to Mr Robertſon at Rotterdam, dated from Paris, in proceſs	P. P.		

As

As to Sir John's letter to Lord Crawford being dated the 10th July 1748, the day of the defender's birth, and in which no mention is made of this event, it is only neceſſary to obſerve, that from the Almanac Royal publiſhed at Paris by authority, it appears, that the poſt for England left Paris in July 1748 at eight o'clock in the morning, at which time no mention could be made of the delivery, becauſe it did not happen till the afternoon of that day.

As to Lady Jane and Sir John's having dated ſome letters from Rheims, this may have been done either, 1*mo*, By miſtake: or, 2*do*, As they were only at Paris for the purpoſe of Lady Jane's inlying, and meant to make no ſtay there, having taken a houſe at Rheims, in order to return thither ſo ſoon as Lady Jane ſhould be in a condition to travel, they may have dated their letters from Rheims, in order that the anſwers might be addreſſed to them at that place: or, 3*tio*, They might have reaſons for inclining that the Duke of Douglas, or even Lord Crawfurd, from whom they were borrowing money at the time, ſhould not know of their going to Paris; but that it was known to Lady Wigton, Mrs Hepburn, and many others of their friends in France and Scotland, is clearly proved. All theſe reaſons are probable; but whatever were their motives for dating ſome of their letters from Rheims, it is impoſſible they could ever mean to conceal their being at Paris, or Lady Jane's having been delivered there, as the fact was notorious.

		PROOF.	TRANSLATION.
Mrs Hepburn of Keith, - -	P. P.	340. B—D.	
Letter Lady Jane Douglas to Mrs Hepburn, 11th October 1748.	Ser.	32. E, F.	
Chevalier Douglas, - -	D.P.	29. C—E.	501. B—D.
Baron M'Ellicot, - -	D.P.	350. B—E. 353. A—E. 354. A—C.	
Miſs Primroſe, - -	D.P.	358. C, D.	
Mr M'Kenzie, - -	D.P.	52. A—F.	
Lady Wigton, - - -	Ser.	27. E, F.	
Mr Colvil, - - - -	P. P.	298. B—E.	
Mr Douglas of Edrington, -	P. P.	372. E—G. Ditto L. 373. A.	

The above articles of the original and after condeſcendences contain the whole facts endeavoured to be proved by the purſuers, and to which, it is hoped, very ſufficient anſwers have been given. It appears, however, from the production made by them in terms of the decree of the houſe of Lords, conſiſting moſtly of Memorials, opinions of French lawyers, *&c.* that a great deal of argument is founded on this, that Sir John Stuart and Mrs Hewit's have differed from each other in ſome circumſtances, and that the letters which Mrs Hewit wrote at the time are in ſome particulars different from her depoſition. They alſo lay hold on that part of her evidence where ſhe ſays, that Sir John was in great ſtraits for want of money in Paris, and that, on writing to Rheims, he had got the loan of 25 louidores, from Mr Andrieux, the very day on which Lady Jane was brought to bed;

 whereas,

whereas, it now appears, that Mr Andrieux' money was not paid to Sir John till the 26th July.

In anſwer to theſe and other ſuch obſervations, founded on ſeeming contrarieties in the proof, it will occur, that it is, in the nature of things, impoſſible for witneſſes, when ſwearing to facts which happened ſeventeen years ago, to relate every circumſtance in an uniform manner; and indeed it would be extremely ſuſpicious if they were accurate and uniform. There have been ſeveral hundreds of witneſſes examined in this cauſe, on both ſides; and it has often happened, that different witneſſes have depoſed to the ſame fact, which they had equal acceſs to know, and yet their depoſitions have differed widely in almoſt every circumſtance. For example: Three women were examined for the purſuers, who travelled from Rheims to Paris with Lady Jane, in 1748. Their depoſitions differ from each other in every circumſtance of that journey, though the capital fact of their having travelled together with Lady Jane in the ſtage coach is certain.—— Madam Blainville and Madam Michelle's accounts of Sir John and Lady Jane are directly contradictory in very many particulars. Dumeſnile and his wife, the ſervants at the *Croix de Fer*, differ, in material circumſtances, from the Sanry family. Mr Mailfere, a gentleman of character, and whoſe evidence is perfectly unſuſpicious, differs widely in his depoſition from his letters wrote at the time, with reſpect to Sir John's journey to Paris. Lady Rutledge, a woman above all ſuſpicion, has, from the unavoidable failure of memory, mentioned ſundry circumſtances as having happened at Rheims in ſummer 1749, which, in fact, happened at Dunkirk in December that year. Many other inſtances might be pointed out, both in the purſuer's and defender's proofs.

LIST of Witneſſes examined by the Purſuers in the Tournelle Criminelle of the Parliament of Paris.

Madam Audrie
Madam Blainville
Mr Brevall
Madam Favre
Principal Gordon
Mr Godfroy
Madam Godfroy
Lowiſe Hibert
Madam Michelle
Mr Michelle
Mr Moreau
Madam Mailfere
Miſs Sautré
Miſs Sautré, ſiſter to the above Sautré
Jacque-Antoine la Marre
Lewis-Joſeph la Marre